

CITY OF NEW BRAUNFELS, TEXAS CITY COUNCIL MEETING



CITY HALL - COUNCIL CHAMBERS 550 LANDA STREET

MONDAY, JUNE 10, 2019 at 6:00 PM

Barron Casteel, Mayor Shane Hines, Councilmember (District 1) Justin Meadows, Councilmember (District 2) Harry Bowers, Councilmember (District 3) Matthew E. Hoyt, Councilmember (District 4)
Wayne Peters, Mayor Pro Tem (District 5)
Leah A. García, Councilmember (District 6)
Robert Camareno, City Manager

MISSION STATEMENT

The City of New Braunfels will add value to our community by planning for the future, providing quality services, encouraging community involvement and being responsive to those we serve.

AGENDA

CALL TO ORDER

CALL OF ROLL: City Secretary

INVOCATION: Mayor Barron Casteel

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

REQUEST ALL PHONES AND OTHER DEVICES BE TURNED OFF, EXCEPT EMERGENCY ON-CALL PERSONNEL.

PROCLAMATIONS:

- A) Safety Month
- B) Garbage Man Week

PRESENTATIONS:

- A) Presentation on the Recycling Program.
 - Mike Mundell, Solid Waste Manager
- B) Presentation on the New Braunfels Transit Study. Garry Ford, City Engineer

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of May 28, 2019, and the special meeting of June 3, 2019.

Patrick Aten, City Secretary

2. CITY COUNCIL ACTIONS

A) Administer oath of office to District 2 Councilmember-elect Justin Meadows.

Patrick Aten, City Secretary

3. <u>CITIZENS' COMMUNICATIONS</u>

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

4. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.

Resolutions & Action Items

A) Approval of a resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various improvements from the proceeds of the tax-exempt obligations to be issued by the City for authorized purposed; authorizing other matters incident and related thereto; and providing an effective date

Jared Werner, Chief Financial Officer

B) Approval of the issuance of an invitation for competitive sealed proposals for the Common Street Project since the City Council finds that this delivery method will provide the best value to the City.

Jennifer Cain, Capital Programs Manager

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- C) Approval of the second and final reading of an ordinance regarding a proposed rezoning to amend a Special Use Permit to include a 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.
 - Stacy A.M. Snell, Planning and Community Development Assistant Director
- D) Approval of the second and final reading of an ordinance amending Chapter 142 pertaining to methods of fishing and release of non-native aquatic species into waterbodies within the city limits.

Mark Enders, Watershed Program Manager

E) Approval of the second and final reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.

Christopher J. Looney, Director of Planning and Community Development

F) Approval of the second and final reading of an ordinance to install an all-way stop at the intersection of Oak Run Parkway and Westpointe Drive.

Garry Ford, City Engineer

5. INDIVIDUAL ITEMS FOR CONSIDERATION

B)

- A) Discuss and consider approval of the first reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to change residential fees from valuation-based calculations to per square foot calculations and flat fees.

 TJ Grossi, Building Official
 - Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit

to allow the short-term rental of a single-family residence in the "M-1" Light Industrial District at 343 E. Mill Street.

Christopher J. Looney, Planning and Community Development Director

C) Discuss and consider approval of the purchase of 1.298 acres, being Lot 5, Block 1, George Subdivision, Unit 3, located at 3030 W. San Antonio Street, New Braunfels, Texas and authorize the City Manager to execute all necessary documents.

Matthew Eckmann, Facilities and Real Estate Manager

D) Discuss and consider approval of the purchase of 10.485 acres, being Lot 1, George Subdivision, Unit 2, located on W. San Antonio Street, New Braunfels, Texas and authorize the City Manager to execute all necessary documents.

Matthew Eckmann, Facilities and Real Estate Manager

- E) Discuss and consider approval of a resolution to amend portions of Alves Lane and FM 1101 on the City of New Braunfels Regional Transportation Plan.
 - Garry Ford, City Engineer
- F) Discuss and consider approval of the removal of the speed humps on Hunter Road.

Garry Ford, City Engineer

- G) Discuss and consider a request for a conditional sign permit for Freiheit Village located near the northwest intersection of Creekside Crossing and FM 1101.
 - Stacy Snell, Planning and Community Development Assistant Director
- H) Discuss and consider approval of the creation of a Workforce Housing Taskforce.
 - Robert Camareno, City Manager

6. **EXECUTIVE SESSIONS**

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) Deliberate issues regarding economic development negotiations accordance with Section 551.087, of the Texas Government Code, including but not limited to:
 - **Project Nautilus**
- B) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
 - Property for city facilities

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

7. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.

8. <u>ADJOURNMENT</u>

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on June 5, 2019, at 4:30 p.m.

Patrick Aten,	City Secretary	

NOTE: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 221-4010 at least two (2) work days prior to the meeting so that appropriate arrangements can be made.

City of New Braunfels



Proclamation

THE STATE OF TEXAS	ξ	ŝ
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COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, all citizens deserve to live in communities that promote a safe and healthy living environment, and safe communities require the cooperation of all levels of government, business and industry employees, as well as the general public; and

WHEREAS, through the support and observance of National Safety Month each year, employers help to reverse the increase in preventable injuries and deaths; and

WHEREAS, the City of New Braunfels supports national safety efforts and is committed to protecting the safety and health of our employees, residents, and visitors by educating employees about safe work practices; and

WHEREAS, the National Safety Council has designated June as National Safety Month, and focuses on reducing leading causes of injury and death at work, on the road and in our homes and communities; and

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, do hereby proclaim the month of June 2019 as

SAFETY MONTH

and urge every person, parent, student, business owner, employee, retiree, visitor, and tourist to be prepared at all times for any emergency situation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of New Braunfels to be affixed this the 10th day of June 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, MAYOR

City of New Braunfels



Proclamation

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, inspired to recognize the often-thankless job of waste collectors, John Arwood, second generation owner of Arwood Waste Collection Services, began the annual observance of National Garbage Man Day on June 17, 2012; and

WHEREAS, the men and women employed by the City of New Braunfels and local refuse collection companies, make significant contributions to the safety, health, and welfare of our citizens; and

WHEREAS, the City of New Braunfels has established a Solid Waste and Recycling Division in the Public Works Department addressing the proper collection and disposal of trash, recyclables, and green waste throughout the city; and

WHEREAS, the City of New Braunfels depends on the rain or shine collection of waste and recyclables to promote a clean and safe community; and

WHEREAS, the City of New Braunfels values and celebrates the dedicated Solid Waste and Recycling Division personnel that serve the community and understand the importance of the work they perform; and

WHEREAS, annually since 2012, June 17th is recognized as National Garbage Man Day.

NOW, THEREFORE, I, BARRON CASTEEL, Mayor of the City of New Braunfels, Texas, do hereby proclaim the week of June 16 - 22, 2019 as

GARBAGE MAN WEEK

in New Braunfels and encourage all citizens and civic organizations to join me in recognizing the valuable contributions that our Solid Waste and Recycling Division employees make every day to ensure the health, safety, and welfare of our citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 10th day of June 2019.

BARRON CASTEEL, Mayor



550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. A)

Presenter/Contact
Mike Mundell, Solid Waste Manager
(830) 221-4040 - mmundell@nbtexas.org

SUBJECT:

Presentation on the Recycling Program.



550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. B)

Presenter/Contact Garry Ford, City Engineer (830) 221-4020 - gford@nbtexas.org

SUBJECT:

Presentation on the New Braunfels Transit Study.

BACKGROUND / RATIONALE:

Presentation and discussion on the upcoming New Braunfels Transit Study funded through the Alamo Area Metropolitan Planning Organization Unified Planning Work Program.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Envision New Braunfels

Vision and Goals, Transportation Goals

3. Establish a self-sustaining and improved public transit system.

ACTION 7.57 [PROJECT]

Include cross-town transit routes in all directions on major arterials.

ACTION 8.13 [PARTNERSHIP]

Collaborate with regional partners to improve public transportation/ transit within the city and destinations beyond.

ACTION 8.14 [PARTNERSHIP]

Collaborate with regional partner VIA Metropolitan Transit whose long-range plan includes New Braunfels.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A



550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. A)

Presenter/Contact
Patrick Aten, City Secretary
(830) 221-4010 - paten @nbtexas.org

SUBJECT:

Discuss and consider approval of the minutes of the regular City Council meeting of May 28, 2019, and the special meeting of June 3, 2019.

MINUTES OF THE NEW BRAUNFELS CITY COUNCIL REGULAR MEETING OF TUESDAY, MAY 28, 2019

The City Council of the City of New Braunfels, Texas, met in a Regular Session on May 28, 2019, at 6:00 p.m.

City Councilmembers present were:

Present: 6 - Mayor Barron Casteel, Councilmember Shane Hines,
Councilmember Harry Bowers, Councilmember Matthew E.
Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember
Leah García

Absent: 1 - Councilmember Justin Meadows

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Council Chambers at 6:16 p.m. Mayor Pro Tem Peters gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Bond Advisory Committee

Mayor Casteel presented proclamations to the Bond Advisory Committee and all those that helped pass the 2019 bond package.

B) Gun Violence Awareness Day

Mayor Casteel proclaimed June 7 as Gun Violence Awareness Day.

1. MINUTES

A) Discuss and consider approval of the minutes of the regular City Council meeting of May 13, 2019, and the special meeting of May 20, 2019.

Mayor Casteel read the aforementioned caption.

Mayor Pro **Peters** moved Tem to approve the minutes. Councilmember Bowers seconded the motion which passed unanimously.

2. CITY COUNCIL ACTIONS

A) Complete and issue Certificates of Election to the

Councilmembers-elect.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

B) Administer oath of office to District 1 Councilmember-elect Shane Hines.

Mayor Casteel read the aforementioned caption.

District Court Judge Bruce Boyer administered the oath of office to Councilmember Shane Hines.

C) Discuss and consider the election of a Mayor Pro Tem.

Mayor Casteel read the aforementioned caption.

Councilmember Bowers moved to appoint Wayne Peters as Mayor Pro Tem. Councilmember Hoyt seconded the motion which passed unanimously.

3. <u>CITIZENS' COMMUNICATIONS</u>

This time is for citizens to address the City Council on issues and items of concerns not on this agenda. There will be no City Council action at this time.

Mayor Casteel read the aforementioned caption.

No one spoke.

4. CONSENT AGENDA

All items listed below are considered to be routine and non-controversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the consent agenda and considered as part of the normal order of business.

Resolutions & Action Items

A) Approval of the appointment of one individual to the Central Texas Technology Center Advisory Board for a term ending April 26, 2020.

- B) Approval of the appointment of one individual to the Airport Advisory Board for a term ending May 12, 2022.
- C) Approval of the appointment of one individual to the Downtown Board for a term ending May 31, 2022.
- D) Approval of a resolution naming a representative and an alternate to the Alamo Area Council of Governments Board of Directors.
- E) Approval of annual contracts for road construction materials with Brauntex Materials, Inc., Cemex, Century Asphalt, Ltd., Colorado Materials, Ltd., Ergon Asphalt, Green Dream International, and Lhoist North America.
- F) Approval of the purchase of a 2019 Transit Cargo Van from Bluebonnet Motors, Inc. as a replacement vehicle for Facility Maintenance and to declare the replaced vehicle as surplus.
- G) Approval of a contract with Kimley-Horn and Associates, Inc. for professional services to review and revise the City's current draft Street Design Guide and Roadway Construction Standard Details.
- H) Approval of annual routine recurring expenditures for FY 2018-19 in accordance with City Charter Section 9.17.
- I) Approval to authorize the City Manager to execute an Interlocal Agreement with the Harris County Department of Education Choice Partners Cooperative in accordance with Texas Government Code 791, Texas Interlocal Cooperation Act.
- J) Approval of the renewal of a contract with PM AM Corporation to provide alarm management services for the Police Department.
- K) Approval for City Manager to execute a contract with Kimley-Horn and Associates for survey and due diligence of Kohlenberg Road Development Project on behalf of the New Braunfels Economic Development Corporation for \$35,675.
- L) Approval of a resolution recommended by the New Braunfels Economic Development Corporation approving a project expenditure of up to \$4,000,000 for land acquisition of approximately 60 acres in the northwest part of Subdivision 13, Esnaurizar Eleven Grant, New Braunfels, Comal County, Texas, for an economic development project authorized by Local Government Code Chapters 501 and 505 as

amended.

- M) Approval of the proposed amendment to Veramendi, Sector Plan 1A, within the Comal County Water Improvement District #1, encompassing 273.37 acres out of the Juan Martin de Veramendi Survey No.2, Abstract 3, including property adjacent to and east of the Oak Run Subdivision.
- N) Approval of an expenditure of \$115,000 as required by the Texas Department of Transportation concerning the reconstruction of the upper structure of the San Antonio Street Bridge over the Comal River for the acquisition for a two-year timeframe of a 1.458 acre temporary construction easement out of a 26.048 acre property addressed as Street, owned by Liberty Partnership, Lincoln LTD, and authorization for the City Manager to execute all necessary documents.
- O) Approval to submit a Notice of Intent and revised Storm Water Management Plan to Texas Commission on Environmental Quality for coverage under the reissued Small MS4 General Permit.

Ordinances

(In accordance with Section 3.10 of the City Charter, a descriptive caption of each ordinance shall be read on two separate days.)

- P) Approval of the first reading of an ordinance amending Chapter 142 pertaining to methods of fishing and release of non-native aquatic species into any body of water within the city limits.
- Q) Approval of the second and final reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to authorize the rounding down the total of fees owed to the nearest whole dollar amount.
- R) Approval of the second and final reading of an ordinance granting rehabilitation tax relief for a five-year period to the property addressed as 575 S. Hill Avenue, a contributing resource in the Sophienburg Hill Historic District.
- S) Approval of the second and final reading of an ordinance granting rehabilitation tax relief for a five-year period to the property addressed as 564 S. Hill Avenue, a contributing resource in the Sophienburg Hill Historic District and a local Historic Landmark known as the Kopplin-Leitch House.

T) Approval of the second and final reading of an ordinance amending the Code of Ordinances Section 86-97 Landa Park miniature golf and paddle boat fees.

Mayor Casteel read the aforementioned captions, except item C which was pulled from consideration.

Councilmember Hines moved the Consent to approve Agenda. Councilmember Garcia seconded the motion which passed unanimously via roll call vote.

5. INDIVIDUAL ITEMS FOR CONSIDERATION

A) Discuss and consider approval of a contract with Seidel Construction LLC for the renovation of Market Plaza Park and approval authority for the City Manager to approve any changes up to the contingency amount for project expenditures of \$124,682.

Mayor Casteel read the aforementioned caption.

Councilmember Hines stepped away from the dais.

Stacey Dicke presented the item.

Councilmember Garcia moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously (5-0).

Councilmember Hines returned to the dais.

B) Discuss and consider approval of the first reading of an ordinance to install an all-way stop at the intersection of Oak Run Parkway and Westpointe Drive.

Mayor Casteel read the aforementioned caption.

Garry Ford presented the item.

Jerry Everett, Rolf Schmitz, and Jerry Sonier spoke on the item.

Councilmember Bowers moved to approve the item. Councilmember Hines seconded the motion which passed unanimously.

C) Presentation and discussion on the results and major conclusions of the 2019 New Braunfels Citizen Survey conducted by the National Research Center.

Mayor Casteel read the aforementioned caption.

Sheri Masterson introduced the item. Morgan Adams presented the item.

No action was taken.

D) Presentation and update on floating aquatic vegetation management in the Comal River.

Mayor Casteel read the aforementioned caption.

Alan Stigall presented the item.

No action was taken.

<City Council took a break.>

E) Presentation and possible action on the Airport Master Plan Update.

This item was pulled from consideration.

F) Discuss and consider approval of the appointment of one individual to the Community Development Advisory Committee for a term ending December 13, 2020.

Mayor Casteel read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Bowers moved to appoint Robert Blythin. Councilmember Hoyt seconded the motion which passed unanimously.

G) Discuss and consider approval of a roster of participant organizations for the Complete Count Committee to assist the U.S. Census Bureau with awareness and outreach for the 2020 Decennial Census.

Mayor Casteel read the aforementioned caption.

Sheri Masterson presented the item.

Rosalena Lopez spoke on the item and requested a youth representative on the committee.

Mayor Pro Tem Peters moved to approve the item with the additions Foundation Senior Citizens and а vouth representative. Councilmember Hovt seconded the motion which passed unanimously.

H) Discuss and consider approval for the City Manager to execute a contract with Derek Howorth (or his LLC) for the management of the Das Rec Swim Team.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

Councilmember Bowers moved to postpone the item to June 3, 2019. Councilmember Hines seconded the motion which passed unanimously.

I) Discuss and consider approval of a five-year renewal and amendment of the current agreement beginning October 1, 2019 until September 30, 2024, between the City of New Braunfels and the Greater New Braunfels Chamber of Commerce Inc. concerning the use of Hotel Occupancy Tax.

This item was pulled from consideration.

J) Public hearing and first reading of an ordinance regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "M-1" Light Industrial District at 343 E. Mill Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Evan Quiros spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item with a limit of six occupants. Councilmember Bowers seconded the motion which passed 5-1 with Councilmember Hoyt opposed.

K) Public hearing and first reading of an ordinance regarding Chapter 144. Zoning. Section amendments 3.3-11. M-1 Light to Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item. Councilmember Bowers seconded the motion which passed unanimously.

L) Public hearing and first reading of an ordinance regarding the proposed rezoning to amend a Special Use Permit to include a 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.

Mayor Casteel read the aforementioned caption.

Stacy Snell presented the item.

Matt Pusateri spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item with the stipulation that the applicant resolve the issue with his neighbor. fence Councilmember Bowers seconded the motion which passed unanimously.

M) Discuss and reconsider approval of the second and final reading of an ordinance regarding the proposed amendment to the "Cotton Cottages" Planned Development District (CCPD) Concept Plan, Detail Plan and related Development Standards, comprising 5.732 acres out of Lot 2A-1, F & M Hanz Estate Resubdivision, located on the south side of Hanz Drive between Loop 337 and Gruene Road.

Mayor Casteel read the aforementioned caption.

Councilmember Bowers moved to reconsider the item. Mayor Protem Peters seconded the motion which passed unanimously.

Stacy Snell presented the item.

Councilmember Bowers moved to approve the item with the revised site plan of six additional parking spaces. Councilmember Hoyt seconded the motion which passed unanimously via roll call vote.

6. <u>EXECUTIVE SESSIONS</u>

In accordance with Texas Government Code, Subchapter D, the City Council may convene in a closed session to discuss any of the following items; any final action or vote taken will be in public.

- A) Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
 - Property for city facilities

The City Council did not recess into Executive Session.

NOTE: The City Council reserves the right to retire into executive session concerning any of the items listed on this Agenda whenever it is considered necessary and legally justified under the Open Meetings Act (Chapter 551 of the Texas Government Code).

OPEN 7. RECONVENE INTO SESSION AND **TAKE** ANY **NECESSARY EXECUTIVE** ACTION RELATING TO THE SESSION AS **DESCRIBED** ABOVE.

8. ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Date	Approved:	June	10, 201	9
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	Barron	Castee	el, Mayo	or

Attest:	
Patrick Aten, City Secretary	

SPECIAL MINUTES OF THE NEW BRAUNFELS CITY COUNCIL SPECIAL MEETING OF MONDAY, JUNE 3, 2019

The City Council of the City of New Braunfels, Texas, met in a Special Session on May 28, 2019, at 8:00 a.m.

City Councilmembers present were:

Present 6 - Mayor Barron Casteel, Councilmember Shane Hines,
Councilmember Harry Bowers, Councilmember Matthew E.
Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember
Leah García

Absent 1 - Councilmember Justin Meadows

The meeting was called to order by Mayor Casteel in Milltown's The Grande at 8:28 a.m. Councilmember Garcia gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

1. RETREAT AGENDA

A) Discuss and consider approval for the City Manager to execute a contract with Derek Howorth (or his LLC) for the management of the Das Rec Swim Team.

Mayor Casteel read the aforementioned caption.

Stacey Dicke presented the item.

Sally Lockett, Kristi Finley, Erica Nierth, Isaac Bererra, and Teresa Ogg spoke on the item.

Councilmember **Bowers** moved to approve the item. Councilmember Hines seconded the motion. Mayor Pro Tem **Peters** moved to amend the motion SO that Section 3 would allow for Councilmember flexibility for master swimmers. Hoyt seconded the motion to amend, which passed unanimously. The amended main motion passed unanimously.

<City Council took a break.>

B) Presentation and discussion of the Five Year Financial Forecast.

- C) Presentation, discussion, and possible direction regarding the development of the FY 2019-20 Budget.
- D) Presentation and discussion on the 2019 Bond Program and possible project scheduling options.
- E) Presentation and update on the development process and related fees.

Mayor Casteel read the captions for B, C, D, and E.

Robert Camareno, Jared Werner, Jennifer Cain, and Chris Looney presented the items.

City Council indicated they preferred Scenario 1 for the 2019 Bond Program scheduling, with the option of moving the Police Department facility up earlier. City Council indicated they preferred Scenario A for Streets.

The meeting adjourned at 1:04 p.m.

	Date Approved: June 10, 2019
	Barron Casteel, Mayor
Attest:	
Patrick Aten, City Secretary	



550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. A)

Presenter/Contact
Patrick Aten, City Secretary
(830) 221-4010 - paten @nbtexas.org

SUBJECT:

Administer oath of office to District 2 Councilmember-elect Justin Meadows.



550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. A)

Presenter/Contact Jared Werner, Chief Financial Officer (830) 221-4385 - jwerner@nbtexas.org

SUBJECT:

Approval of a resolution relating to establishing the City's intention to reimburse itself for the prior lawful expenditure of funds relating to constructing various improvements from the proceeds of the tax-exempt obligations to be issued by the City for authorized purposed; authorizing other matters incident and related thereto; and providing an effective date

BACKGROUND / RATIONALE:

Attached is a resolution prepared by McCall, Parkhurst and Horton LLC, the City's Bond Counsel. This resolution will allow the City to utilize existing cash reserves to pay for costs associated with various 2019 bond projects prior to the first anticipated issuance in August (debt proceeds will be delivered to the City in late September). Once the debt is issued, the reserves utilized will be repaid from the bond proceeds. The reimbursement resolution is prepared for an amount not to exceed \$4,000,000. This is an extremely conservative estimate based mainly on two factors. First, anticipated land acquisition associated with the Police Department facility as well as right of way necessary to complete one of the street projects within proposition 1. Secondly, at the June 3rd City Council retreat, a draft schedule will be considered by City Council; the resolution provides some flexibility so that staff can react to that potential project schedule.

 Streets:
 \$1,000,000

 Parks and Recreation:
 \$750,000

 Public Safety:
 \$2,250,000

 Reimbursement Resolution - Total
 \$4,000,000

Again, these are just broad estimates that give staff and City Council the authority to progress projects over the next several months until we have received bond proceeds. Expenditures requiring City Council approval (over \$25,000) will be brought forward for consideration in accordance with City Charter. The actual bond issuance amount will not mirror the totals referenced above. Currently, the first issuance is currently projected to be somewhere in the range of \$7,500,000-\$10,000,000. However, the actual issuance amount will be based on certified property values and direction from City Council on the 2019 bond project schedule.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

X	Yes	Strategic Priorities:	Maintain fiscal stability of City Operations	
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FISCAL IMPACT:

There is no direct financial impact from the reimbursement resolution. However, approval does

provide the authority to utilize cash reserves to progress various 2019 bond projects until our first planned issuance later this fiscal year.

COMMITTEE RECOMMENDATION: N/A

STAFF RECOMMENDATION:

Staff recommends approval of the resolution

CERTIFICATE FOR RESOLUTION NO			
THE STATE OF TEXAS COUNTY OF COMAL CITY OF NEW BRAUNFELS			
We, the undersigned officers and members of the City of New Braunfels, Texas (the "City"), hereby certify as follows:			
1. The City Council of the City convened in REGULAR MEETING ON THE 28TH DAY OF MAY, 2019, at Council Chambers, 550 Landa Street, New Braunfels, Texas (the "Meeting"), and the roll was called of the duly constituted officers and members of the City, to-wit:			
Barron Casteel, Mayor Wayne Peters, Mayor Pro Tem, Councilmember District 5 Shane Hines, Councilmember District 1 Justin Meadows, Councilmember District 2 Harry Bowers, Councilmember District 3 Matthew E. Hoyt, Councilmember District 4 Leah A. Garcia, Councilmember District 6			
and all of the persons were present, except the following absentees:, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written			
RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS IMPROVEMENTS FROM THE PROCEEDS OF TAX- EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE			
was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be passed on first reading; and, after due discussion, said motion carrying with it the passage of the Resolution, prevailed and carried by the following vote:			
AYES: NOES:			

- 2. A true, full and correct copy of the Resolution passed at the Meeting described in the above and foregoing paragraphs is attached to and follows this Certificate; that the Resolution has been duly recorded in the City Council's minutes of the Meeting; that the above and foregoing paragraphs are a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; that the persons named in the above and foregoing paragraphs are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meetings for such purpose, and that the Meeting was open to the public and public notice of the time, place and purpose of the meeting was given, all as required by Chapter 551, Texas Government Code.
- 3. The Mayor of the City has approved and hereby approves the Resolution; that the Mayor and the City Secretary of the City have duly signed the Resolution; and that the Mayor and the City Secretary of the City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of the Resolution for all purposes.

NewBraunfels: ReimbursementResolution 05.28.2019

SIGNED AND SEALED the 28th day of May, 2019.

City Secretary	Mayor	

[CITY SEAL]

A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS RELATING TO CONSTRUCTING VARIOUS CITY IMPROVEMENTS FROM THE PROCEEDS OF TAXEXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council (the "Governing Body") of the City of New Braunfels, Texas (the "Issuer") has entered into or will enter into various contracts pertaining to the expenditure of lawfully available funds of the Issuer to finance (i) \$1,000,000 towards constructing, acquiring, improving, extending, expanding, upgrading and/or developing streets, roads, bridges and intersections including, utility relocation, sidewalks, traffic safety and operational improvements, the purchase of any necessary land, rights-of-way, drainage and other related costs; (ii) \$750,000 towards constructing, acquiring, improving, renovating, developing and equipping, land and buildings for park and recreational purposes, parkland, scenic easement and trail acquisition, development and improvement and related infrastructure and other costs; and, (iii) \$2,250,000 towards constructing, acquiring, improving, renovating and equipping City public safety facilities for police and fire protection, including the acquisition of any necessary sites and related infrastructure, demolition and other costs (collectively, the "Project"); and

WHEREAS, the provisions of Section 1201.042, as amended, Texas Government Code ("Section 1201.042") provide that the proceeds from the sale of obligations issued to finance the acquisition, construction, equipping, or furnishing of any project or facilities, such as the Project, may be used to reimburse the Issuer for costs attributable to such project or facilities paid or incurred before the date of issuance of such obligations; and

WHEREAS, the United States Department of Treasury (the "Department") released Regulation Section 1.150-2 (the "Regulations") which establishes when the proceeds of obligations are spent and therefore are no longer subject to various federal income tax restrictions contained in the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Issuer intends to reimburse itself an amount not to exceed \$4,000,000, within eighteen months from the later of the date of expenditure or the date the property financed is placed in service (but in no event more than three years after the original expenditures are paid), for the prior lawful capital expenditure of any funds from the proceeds of one or more series of tax-exempt obligations (the "Obligations") that the Issuer currently contemplates issuing in the aggregate principal amount not to exceed \$4,000,000 to finance a portion of the costs of the Project; and

WHEREAS, under the Regulations, to fund such reimbursement with proceeds of the Obligations, the Issuer must declare its expectation to make such reimbursement before making the expenditures; and

WHEREAS, the Issuer hereby finds and determines that the reimbursement for the prior expenditure of funds of the Issuer is not inconsistent with the Issuer's budgetary and financial circumstances; and

WHEREAS, the Governing Body hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the Issuer; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS THAT:

- Section 1. This Resolution is a declaration of intent to establish the Issuer's reasonable, official intent under section 1.150-2 of the Regulations and Section 1201.042 to reimburse itself from certain of the proceeds of the Obligations for any capital expenditures previously incurred (not more than 60 days prior to the date hereof) or to be incurred with respect to the Project from the Issuer's General Fund or other lawfully available funds of the Issuer.
- Section 2. The Issuer intends to issue the Obligations and allocate within 30 days after the date of issuance of the Obligations the proceeds therefrom to reimburse the Issuer for prior lawful expenditures with respect to the Project in a manner to comply with the Regulations.
- Section 3. The reimbursed expenditure will be a type properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles.
- Section 4. The Issuer intends to otherwise comply, in addition to those matters addressed within this Resolution, with all the requirements contained in the Regulations.
- Section 5. This Resolution may be relied upon by the appropriate officials at the Office of the Attorney General for the State of Texas and establishes compliance by the Issuer with the requirements of Texas law and the Regulations.
- Section 6. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Governing Body.
- Section 7. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.
- Section 8. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the Governing Body hereby declares that this Resolution would have been enacted without such invalid provision.
- Section 9. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 10. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED, ADOPTED AND APPROVED on this the 28th day of May, 2019.

CITY OF NEW BRAUNFELS, TEXAS

	Mayor
ATTEST:	
	<u></u>
City Secretary	
(CITY SEAL)	
APPROVED AS TO LEGALITY:	
Valeria M. Acevedo, City Attorney	_



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. B)

<u>Presenter/Contact</u> Jennifer Cain, Capital Programs Manager (830) 221-4646 - jcain@nbtexas.org

SUBJECT:

Approval of the issuance of an invitation for competitive sealed proposals for the Common Street Project since the City Council finds that this delivery method will provide the best value to the City.

BACKGROUND / RATIONALE:

The citywide street program was approved in the 2013 Bond election. Projects in this program could include: Asphalt excavation and replacement, base repairs, curb repair/replacement, sidewalk repairs/replacement, and concrete diamonds around meter boxes and manholes.

On July 23, 2018, City Council approved a contract task order with MWM Design Group to provide engineering design, bid phase, construction phase and surveying services for the final design of Common Street (Gruene Road to Hanz Drive).

City staff recommends issuing an invitation for a Competitive Sealed Proposal (CSP) as the procurement method for the contract to construct this project. The CSP method allows the City to evaluate the most qualified contractors and the best value for the project. The evaluation of the proposals received by City staff will be presented to City Council for direction regarding the approval of a contract for construction.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

X	Yes	City Plan/Council Priority:	Strategic Priorities: (Infrastructure) - Continue an
			ongoing program of infrastructure construction and
			maintenance.

FISCAL IMPACT:

The 2013 bond program includes \$10 million for citywide street improvement projects that will provide funding for engineering services, construction and testing on these projects.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the issuance of an invitation for competitive sealed proposals for the Common Street Project since the City Council finds that this delivery method will provide the best value to the City.



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. C)

Presenter

Stacy A.M. Snell, Planning and Community Development Assistant Director ssnell@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance regarding a proposed rezoning to amend a Special Use Permit to include a 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.

BACKGROUND / RATIONALE:

Case No.: SUP19-071

Council District: 5

Applicant/Owner: Travis and Veronica Batey

5645 SH 46 West

New Braunfels, TX 78132

(830) 708-1211 tebatey@gvtc.com

Staff Contact: Matthew Simmont

(830) 221-4058

msimmont@nbtexas.org

City Council held a public hearing on May 28, 2019 and approved the first reading of this requested rezoning with the recommended conditions, plus a stipulation that the applicant resolve the fence issue with the neighboring property and have the resolution in writing in the City Council Packet with the second reading.

A copy of the applicant's letter to the adjacent property owner and related photographs are attached. The applicant states he has returned the fence back to its original condition.

The 0.7 acre subject property is located on the northeast corner of the intersection of N. Market Avenue and Meusebach Street. A Special Use Permit (SUP) was granted by City Council in 2017 to allow for 10 residential structures to be used for short term rental on the subject site (see Attachment 8). Improvements have been made to the property in compliance with the site plan and conditions of the approved SUP except for the addition of a 140 square-foot utility structure.

The applicant is requesting approval of an amended SUP, as shown on the proposed site plan (see Attachment 3), to replace the site plan in the current SUP. The updated site plan adds a 140 square-foot utility structure to house plumbing equipment and a laundry room for the property. The 11-foot tall

utility shed is setback approximately 6 feet from the property boundary to the southwest and approximately 9 feet from the property boundary to the southeast. A building permit for the structure was not applied for and is required to be approved to complete the proper inspections. No additional changes are proposed.

General Information:

Surrounding Zoning and Land Use:

North - Across the railroad right-of-way and Meusebach Street, C-4 / Texas Tubes and River Run Condominiums

East - C-2 / Single-family residences, short term rental

South - Across N. Market Ave., C-2 / Chuck's Tubes and General Store

West - Intersection of N. Market Ave. and Meusebach St.

Floodplain:

No portion of the property is located within the 1% chance (100-year) floodplain.

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (The subject property is located in a C-2 District in a mixed use area of commercial and residential with short term rental use immediately adjacent (454 N. Market Ave.). The addition of the proposed utility shed should not impact the extent or intensity of the approved use on the property. The subject location is within close proximity to Downtown and the Comal River.);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (The proposed utility structure should not conflict with existing or proposed schools, streets, water supply, sanitary sewer and other utilities in the area.);
- How other areas designated for similar development will be affected (There should be no negative impact on other areas designated for similar development.);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (No additional factors should cause negative impact with the proposed utility structure.); and
- Whether the request is consistent with the Comprehensive Plan. (The property is located within the New Braunfels Sub-Area and is near a Recreational River Corridor and Downtown.)

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council Priority:	Action 1.14 Ensure regulations do not unintentionally
Envision New Braunfels	inhibit the provision of a variety of flexible and innovative
	lodging options and attractions. Action 3.3 Balance commercial centers with stable neighborhoods. Action 3.6: Proactively provide a regulatory environment that remains business and resident friendly.

FISCAL IMPACT:

Short term rental use of the property is subject to hotel occupancy tax (HOT). The property owner will be responsible for remitting these taxes to the City and the State. The addition of the 140 square foot

utility structure does not impact the revenue.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on May 7, 2019 and recommended approval (7-1-0) with Chair Edwards absent and Commissioner Meyer opposed.

STAFF RECOMMENDATION:

Staff recommends approval. The proposed revision to the site plan is a minor modification that will allow for suitable utility and laundry services on the property. Staff's recommendation includes maintaining the following conditions that were adopted in 2017 with the current SUP, plus one additional condition:

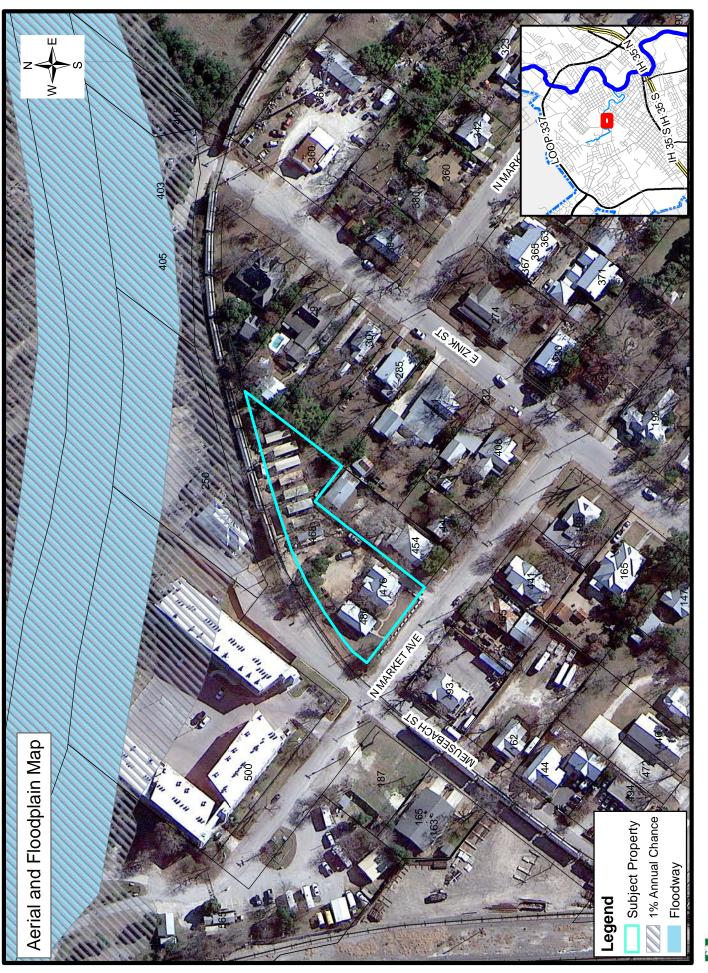
- 1. The property will be developed in accordance with the approved site plan prior to the issuance of a certificate of occupancy.
- 2. Residential buffer trees are not required to be planted along the access driveway property boundary. Otherwise, all residential buffer requirements for shade trees (Section 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.

Notification:

Public hearing notices were sent to 18 owners of property within 200 feet of the request. The City has received four responses (#8, 9, 10 & 17) in favor and one (#1) in objection of this proposed zoning change.

Attachments:

- 1. Aerial Map
- 2. Applicant Request Letter and Proposed Site Plan
- 3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
- 4. Photographs
- 5. Notification List, Map and responses
- 6. Sec. 3.6 Special Use Permits
- 7. Planning Commission Meeting Draft Minutes
- 8. Ordinance No. 2017-19
- 9. Ordinance





SUP19-071 468 N. Market Ave Amendment to Special Use Permit

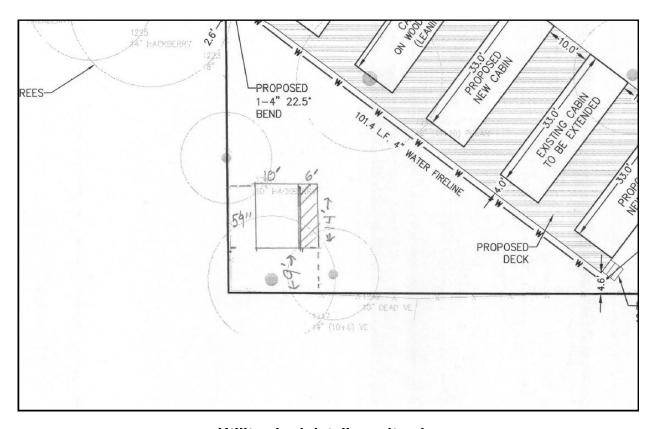
To whom it may concern:

My name is Travis Batey. My wife, Veronica and I purchased the property at 476 N. Market St. in 2011. When we purchased the property it was in desperate need of repair and restoration. The current tenants had reported conflicts which were even reported to the police department. The appearance of the property was very run down. Our goal was and is to own a facility to rent out where our guests can feel safe and enjoy themselves while visiting our beautiful city. We went through the process of getting approval by the city for these rental cabins.

This brings me to the point of this letter. As we were approaching the end of our long restoration on the cabins, I realized I had not taken into consideration the placement of the water heaters and water softeners for the cabins. After numerous talks with our licensed electricians and plumbers, it was decided that the best solution was to build a separate shed/building. This would hopefully prevent a possible future gas leak from affecting our guests. There would be a chance of the water softeners freezing outdoors and there honestly is no room for a water softener in the cabins. We decided to make the shed big enough for two washers and dryers to help with washing cabin linens and for our guests to use if needed. We have put a wooden fence up with locked gates, so guests cannot get to the outdoor water heaters and gas meter. I am requesting, and would greatly appreciate, the approval of our shed by the planning and zoning committee and also the New Braunfels City Council.

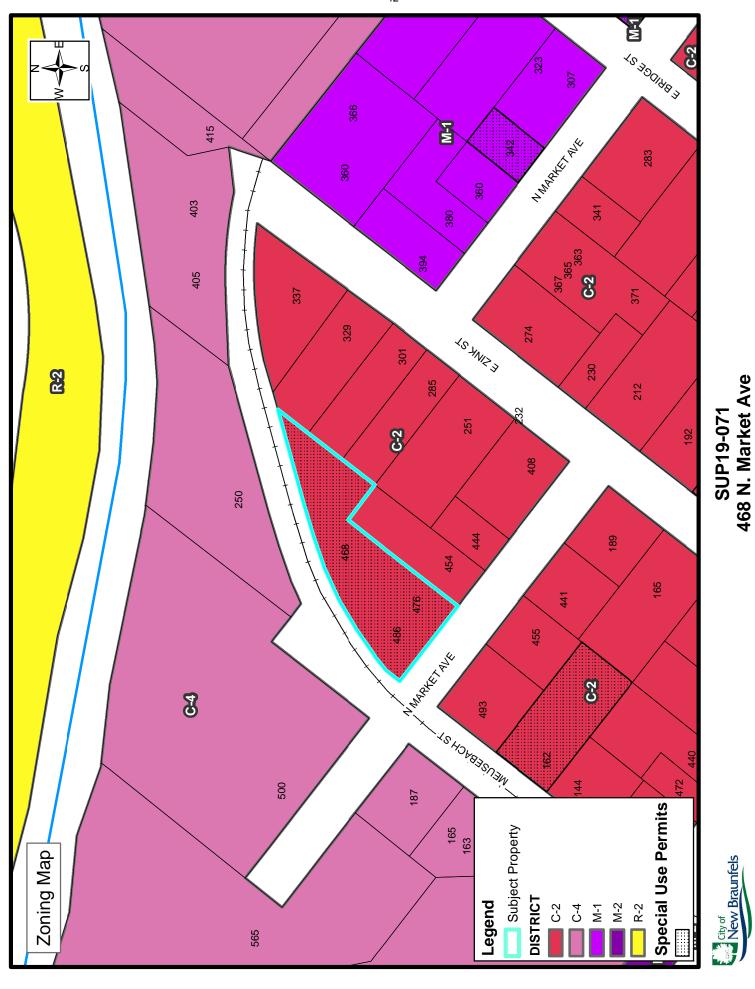
Thank you,

Travis E. Batey



Utility shed detail on site plan.





Amendment to Special Use Permit 468 N. Market Ave SUP19-071



Amendment to Special Use Permit 468 N. Market Ave SUP19-071

EXISTING CENTERS

within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

■ MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.



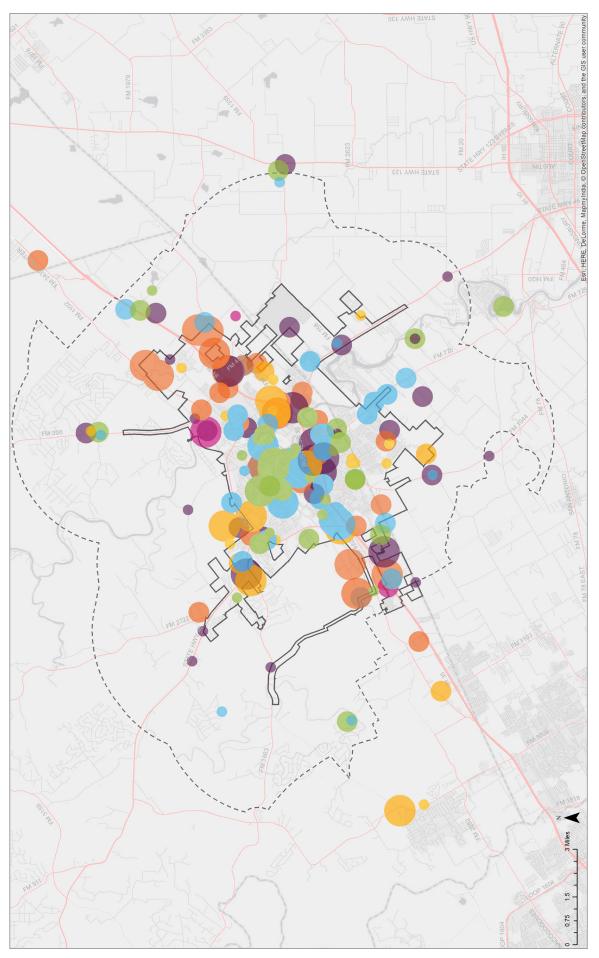












The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

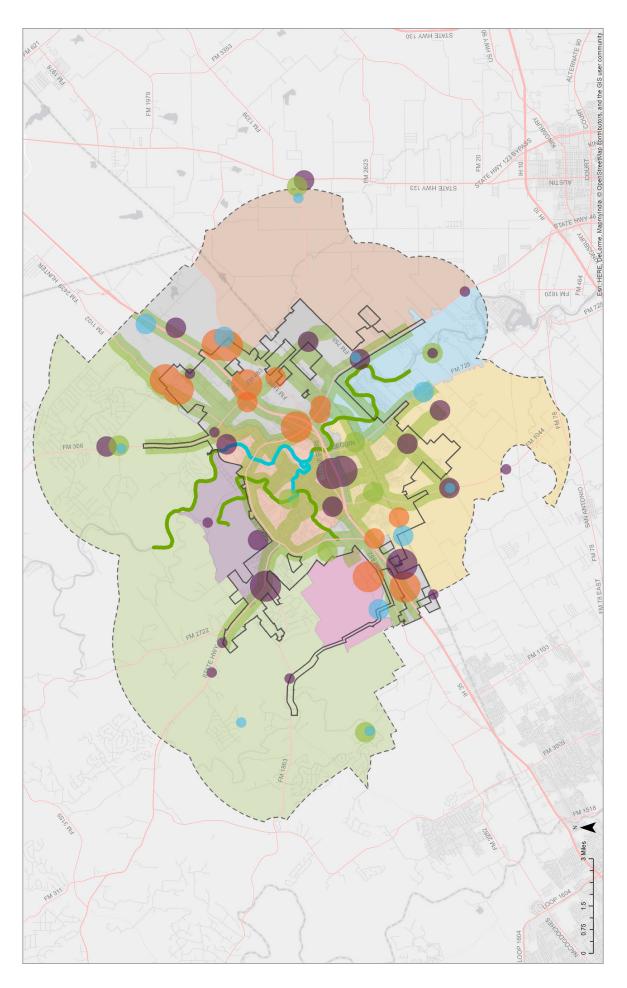
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

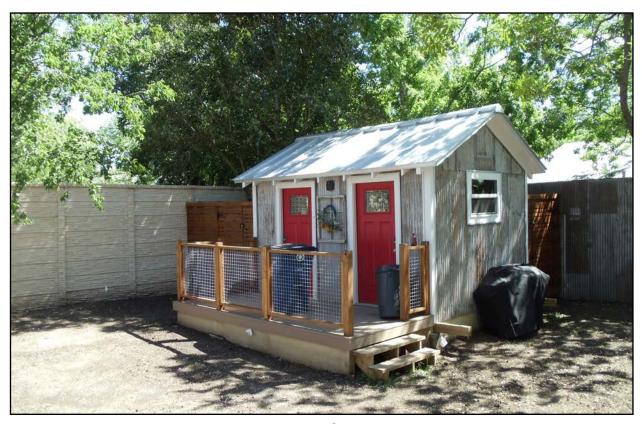
Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be zoomed and viewed online.



Utility Shed



Rental Cabins adjacent to the railroad right-of-way





Parking lot and rental cabins



Subject property frontage along Market Ave.



PLANNING COMMISSION - May 7, 2019 - 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Travis Batey

Address/Location: 468 N. Market Avenue

PROPOSED SPECIAL USE PERMIT - CASE #SUP19-071

The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as "Subject Property".

1. CELTIC ENTERPRISES LP 10. GUIDOS PLACE LLC

2. WE BE 2BIN LLC 11. SCHABACKER VICTOR & ELISA F

KRIEWALDT PROPERTIES LLC
 SEIBERT RICHARD L & JAYLENE
 GOMEZ IGNACIO G & LOUISA
 BOWMAN CRAIG A & KRISTY D
 RUIZ JAMES & MARIA
 LEAVERTON JULIANNE
 WILSON MARK B & LISA W
 BELL RUSSELL A & ELIZABETH K

7. NORMAS LAGNIAPPE LLC
 8. HURTA JASON E
 16. GLADDEN MICHAEL W
 17. OAKWOOD PROPERTIES

9. HAYES & RENO LLC 18.

SEE MAP



SUP19-071 468 N. Market Ave Amendment to Special Use Permit

Name: JASON HURTA	I favor:
Name: JASON HURTA Address: 329 E. ZINK ST	. O POSSON
Property number on map:	I object:
Comments: (Use additional sheets if necessary)	(State reason for objection)
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Signature: Ason	Y:
YOUR OPINION MATTERS - DETACH AN	DRETURN
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Name: Hayes & Keno, LLC	I favor:
Address: 162, 163 3 165 Mensebach Property number on map: 9	l object:
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Comments: (Use additional sheets if necessary)	
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Signature:	BY:
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Name: WE3 STUDOARD Address: 640 HUNTERS WAY (405 E. Zinle)	I favor:
Property number on map: 17	I object:
	(State reason for objection)
Comments: (Use additional sheets if necessary)	
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Signature:	BY:

YOUR OPINION MATTERS - DETACH AND RETURN

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omments: (Use additional sheets if necessary)	
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gnature: //www.	
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Name: Coltic Enterprises/Shar Address: 454 N. Macket Property number on map: 1	on Otool favor:
Case: #SUP19-071 ms Name: Colfic Entespises/Shar Address: 454 N. Market	I object:
Name: Coltic Enterprises/Shar Address: 454 N. Macket Property number on map: 1	I object:

CITY OF NEW BRAUNFELS, TEXAS CITY COUNCIL MEETING TUESDAY, MAY 28, 2019-6:00 PM

May 24, 2019

Mayor, Mayor Pro Tem, and Councilmembers:

Please vote "no" to Agenda Item 5 L)

5. INDIVIDUAL ITEMS FOR CONSIDERATION

L) Public hearing and first reading of an ordinance regarding the proposed rezoning to amend a Special Use Permit to include a 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.

Please do not allow the proposed rezoning to amend the SUP for the unpermitted utility shed at 468, 476, and 486 N. Market. This collective property has a history of disregarding City Codes and Ordinances, as well as State guidelines during the construction process.

I own the property at 454 N Market St. next door to this property. The rezone property surrounds mine along one side and across the entire back. My lot is 192 feet deep by 61-ish feet across, so this property shares approximately 253 feet of my property line. I lived at 454 N Market during the construction process, until Nov. 2017, so I am keenly aware of the "pushing of limits" during the process.

General construction was started without a permit. Overnight rentals occurred without a permit. On several occasions fires were set to burn tree limbs, brush, and construction debris. (Fire Dept came out a few times.) The number of buildings added was different than permitted, hence the current request for an amendment from Council. The fence "appears" taller than 8 feet. The lot level and storm drains along the railroad tracks "appear" filled in which could affect the drainage of Market Street, and therefore, the entire neighborhood. Several fences were attached to my 8 foot privacy fence without any discussion whatsoever, nor any permission from me. This is a State legal issue because an owner's fence is their private property.

A few years ago, after construction was in progress, the City stopped it because there was no permit. At some point, a complete house was moved onto the front property (I believe that was permitted) and the City discovered there were overnight rentals occurring in the original house, so the City required an SUP application. (Overnight rentals occurred during the construction process, too, including last summer and this weekend. But maybe there was a waiver/approval somewhere along the way, I'm not sure.)

On several occasions over a couple of years, there were open fires between the front houses and the back houses, (inside the City limits, in the middle of the day), burning tree limbs, brush, construction debris, etc. The fire dept. came out some of those times, and at least 2 of those times I directly witnessed the flames. The time

that I called the fire dept., the smoke alarms INSIDE of my home alerted me to a fire, even with all of my double-paned windows and doors closed.

The 2nd time that I witnessed the fire was when the Front Office at River Run Condos called the fire dept. I was working at the condo office at that time, (but not during that call), so the Office alerted me to come to the condos and view the fire from there. The fire dept came, helped put out the fire, then left. (See photos 1 & 2.) The following day, the fire was burning again, except this time someone put up tall panels and parked a truck between the fire and Meusebach Street, so that it wasn't quite as visible from the street. (See photos 3 & 4. Sorry they are blurry.)

Back when the SUP application was filed, I signed a Planning and Zoning waiver to not require a masonry fence be built between our 2 properties. The owner and I discussed this, as we have discussed things several times since then. I was trying to be a good neighbor and thought it was unnecessary, so I signed the waiver. It seems a couple of years later, they decided to thank me for signing that waiver using my private property as their own. Unbeknownst to me, several fences were then attached to my back and my side privacy fence without any discussion with me whatsoever, nor any permission from me.

A masonry fence, for the neighbors who didn't sign a waiver, was perpendicularly connected to my older, back privacy fence without permission. It is both taller than my 8 foot fence, and has caused my back fence to separate from my side fence. There is now a gap/hole in my fence the entire 8 foot height from the ground to the top of my fence. Unfortunately, my 100% paid for private property fence no longer completely borders my own yard. Now, I have to pay to get it fixed because the owners next door no longer acknowledge my communications. (See photos 5-7.)

In addition to this masonry fence, rusty corrugated tin sheets were nailed to the back side of my fence across the entire back and side fence, which is roughly 228 feet of fence. I discovered this when they contacted me wanting to cut down a tree trunk that is a part of my side fence. I had just gotten back into the country, and had no idea what they were talking about. (No, they had not attempted to contact me while I was gone.) I reminded them that they did not have permission to use any of my private property fence, until we discussed their plan, but that they had always had the right to put up, and pay, for their own fence on their own property. But when I got to my property, it was too late. The rusty corrugated tin panels, and boards and pipes, were all nailed across my entire back fence and more than ¾ of my side fence. (See photos 8-9.)

The owners got angry with me for even questioning them about using my private property without discussion. Since then, they have not responded to any communication with me, at all. However, since then, the side fence has been pulled down. Unfortunately, it has left my fence wavy along the driveway. (See photo 10.) With the removal of the fence that shows from Meusebach St, I guess maybe there was hope that no one would notice that all of the other fences are still attached to my back fence?

To add insult to injury, another fence related specifically to this agenda item, the "unpermitted utility shed," is ALSO perpendicularly attached to my back fence, again without my permission. (See photos 11 and 6.)

At the time I installed the privacy fence around my entire yard, it was not required for a rental. To be neighborly, I chose to pay for 100% of my fence, and to put in an 8 foot fence on my own property to help block my rental property from my residential neighbors. This agenda item property was a residential neighbor at that time.

According to the State of Texas, a fence is personal property and anyone else wanting to do anything with that personal property has to ask permission to use that private property. So effectively, my privacy fence has been vandalized and some of my property has been confiscated. My fence line was placed where there was still room for neighbors to put up their own fence, and neither fence would cross the other person's property line. So now, I have to hire, and pay, for a lawyer because my private property was used without permission for a project inside the City limits.

In the bigger picture while working on all of this, I have been in contact with the City Planning Dept. quite often. They addressed most of the issues with other City departments. But when I questioned the last set of issues, I was given phone numbers for the separate departments to track down. For example, asking about the fence height being taller than my 8 foot fence, (see photo 7), and the possible storm drain issues, (see photo 12), that could affect the City's Market Street drainage, I was given phone numbers to various City departments track down answers on these things.

Unfortunately, my 87 year old Mother has been in the hospital in Austin for a month, so in addition to my work, I have been going to Austin daily or every other day. I have not had the chance to continue acting as a code enforcer (or whichever dept. is responsible for tracking property and construction issues) to track down these items. This is onerous for one Citizen to do.

Isn't there a City contact person monitoring the property and construction? Why wouldn't they pay attention to these types of things?

In my opinion, since the property owner is a City contractor, it seems that the property owner would be even more aware of City Codes and Ordinances and try to work closely with the City to follow them. Given the history of disregarding City and State guidelines, please vote "NO" to allow the rezone for the utility shed.

I hope to be at the City Council Meeting on Tuesday in person, but depending on how my Mother is, I may not be able to make it.

Thank you in advance for your consideration.

Sharon O'Toole
Celtic Enterprises, LP
830-609-7454
Celtic.otoole@gmail.com

Photos attached

- 3.6. Special Use Permits.
- 3.6-1. Compatible and orderly development. A special use permit may be granted to allow compatible and orderly development which may be suitable only in certain locations and zoning districts if developed in a specific way or only for a limited period of time.
- 3.6-2. Application processing. Application for a Special Use Permit shall be processed in accordance with Section 2.1 of this Chapter and shall include the pertinent information as determined by the type of Special Use Permit and additional information as determined by the Planning Director, the Planning Commission or the City Council.

Types of Special Use Permit:

- Type 1. Regulates land use only; does not require specific site plan or schedule. Construction within a Type 1 Special Use Permit will comply with all of the standard construction requirements for the approved use at the time of construction permit, including drainage plans, TIA, driveway location, and landscaping.
- *Type 2.* Requires a site plan drawn to scale and shall show the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping, and means of egress and ingress.
- 3.6-3. Standards. When considering applications for a special use permit, the Planning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan, if a Type 2, and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning Commission and the City Council shall specifically consider the extent to which:
 - (a) Comprehensive plan consistency. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
 - (b) Zoning district consistency. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 - (c) Supplemental Standards. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Chapter;
 - (d) Character and integrity. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances.
 - A Type 2 Special Use Permit may include improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - (2) Off-street parking and loading areas;
 - (3) Refuse and service areas;
 - (4) Utilities with reference to location, availability, and compatibility;

- (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
- (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- (7) Required yards and open space;
- (8) Height and bulk of structures;
- (9) Hours of operation;
- (10) Paving of streets, alleys, and sidewalks,
- (11) Provisions for drainage,
- (12) Exterior construction material and building design; and
- (13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate developmentgenerated traffic on neighborhood streets.
- (e) *Public health, safety, convenience and welfare.* The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
- 3.6-4. Procedures for special use permit (SUP). Granting of an SUP is considered zoning and as such, all the procedures for changing a zoning district apply to an application for an SUP. After a public hearing and upon the recommendation of the Planning Commission, the City Council may approve, deny or modify the site plan and issue a special use permit containing such requirements and safeguards as necessary to protect adjoining property, including conditions addressing the standards in Section 3.6-3(d).
- 3.6-5. Revocation. The SUP for a Type 1 permit may be considered for revocation if a use other than the use approved in the SUP or in the underlying zoning district is developed or other stated requirements are not met. The SUP for a Type 2 permit may be considered for revocation for the following reasons:
 - (a) Construction is not begun within five years of the date of approval of the permit.
 - (b) Progress toward completion is not being made. Progress toward completion includes the following:
 - (1) An application for a final plat is submitted;
 - (2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;
 - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;
 - (4) Security is posted with the city to ensure performance of an obligation required by the city; or

- (5) Utility connection fees or impact fees for the project have been paid to the City or New Braunfels Utilities.
- (c) Abandonment of the project. Abandonment includes development of the property in a way other than provided for by the SUP.
- (d) Failure to satisfy the conditions of the SUP or follow the site plan made part of the SUP.
- (e) *Code violations*. Revocation may be considered if there are three or more code violations in a 720 day period.
 - (1) Notice to property owner. If the Planning Director finds no less than three violations of any code of ordinances on the property within a 360 day period, he shall advise the applicant of a revocation hearing. The Planning Director shall notify the property owner in writing of the violations and that an administrative hearing will be held concerning the violations. Such notice shall be given at least 10 days prior to the hearing. The Planning Director shall take evidence and conduct an administrative hearing to determine if a revocation procedure should be initiated. Such a determination is not subject to appeal to the Zoning Board of Adjustment.
 - (2) If the Planning Director finds that there is credible evidence that the code of ordinances has been violated, or there have been convictions or guilty pleas in any court of competent jurisdiction, on at least three separate occasions within a 720 day period, and after the administrative hearing, he shall initiate a SUP revocation process.
 - (3) Appeal to Municipal Court. Any code violation may be appealed to, or considered by, the Municipal Court Judge. The parties at interest in this appeal may cross examine witnesses.
- (f) Revocation process. The revocation process shall be the same as for a zoning district change, with notice to property owners within 200 feet, public hearing and recommendation by the Planning Commission, and public hearing and ordinance consideration by the City Council.
- (g) The City Council may deny the SUP revocation, approve the revocation, deny the revocation and add additional restrictions to the SUP, suspend the SUP for a period the Council determines, or amend the SUP with probationary requirements and terms the Council determines.
- (h) Upon revocation of a special use permit the property subject to the special use permit may be used for any permitted use within the applicable base zoning district.
- 3.6-6. Compliance with conditions. Conditions which may have been imposed by the City Council in granting such permit shall be complied with by the grantee before a Certificate of Occupancy may be issued by the Building Official for the use of the building on such property.
- 3.6-7. Telecommunication towers and/or antennas. See Sec. 5.7
- 3.6-8. Deviation from Code. The City Council may approve a special use permit with deviations to any provision of the Code of Ordinances. Such deviations shall be listed or shown in or as part of the Ordinance approving the special use permit.

Draft Minutes for the May 7, 2019 Planning Commission Regular Meeting

SUP19-071 Public hearing and recommendation to City Council regarding the proposed rezoning to amend a Special Use Permit to include a utility shed in the "C-2" General Business District, addressed at 468, 476 & 486 N. Market Avenue.

(Applicant: Travis & Veronica Batey; Case Manager: M. Simmont)

Commissioner Mathis left the dais at 6:58 p.m.

Mr. Simmont summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Commissioner Mathis returned to the dais at 7 p.m.

Commissioner Meyer inquired about the objection sent in response to the notice of public hearing that stated a letter of explanation was to follow.

Mr. Simmont clarified.

Commissioner Laskowski inquired if the applicant was aware that any changes to the site plan required amendments when they were originally granted the Special Use Permit.

Mr. Simmont responded yes.

Discussion followed.

Vice Chair Reaves asked if anyone wished to speak in favor.

No one spoke.

Vice Chair Reaves asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Gibson, seconded by Commissioner Nolte, to close the public hearing. Motion carried (8-0-0).

Commissioner Meyer requested clarification on the violation of the original Special Use Permit.

Mr. Simmont clarified.

Discussion followed regarding the original site plan.

Travis Batey, 5645 Highway 46, stated he was the applicant and provided his history with the property. He explained the necessity for the construction of the utility building and stated he was not aware he needed a building permit or that the change would require amending his Special Use Permit.

Discussion followed.

Motion by Commissioner Sonier, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning to amend a Special Use Permit to include a utility shed in the "C-2" General Business District, addressed at 468, 476 & 486 N. Market Avenue with Staff recommendations. Motion carried with Commissioner Meyer in opposition (6-1-0).

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" CENTERAL 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.

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.
- 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 23rd day of January, 2017.

PASSED AND APPROVED: Second Reading this the 13th day of February, 2017.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

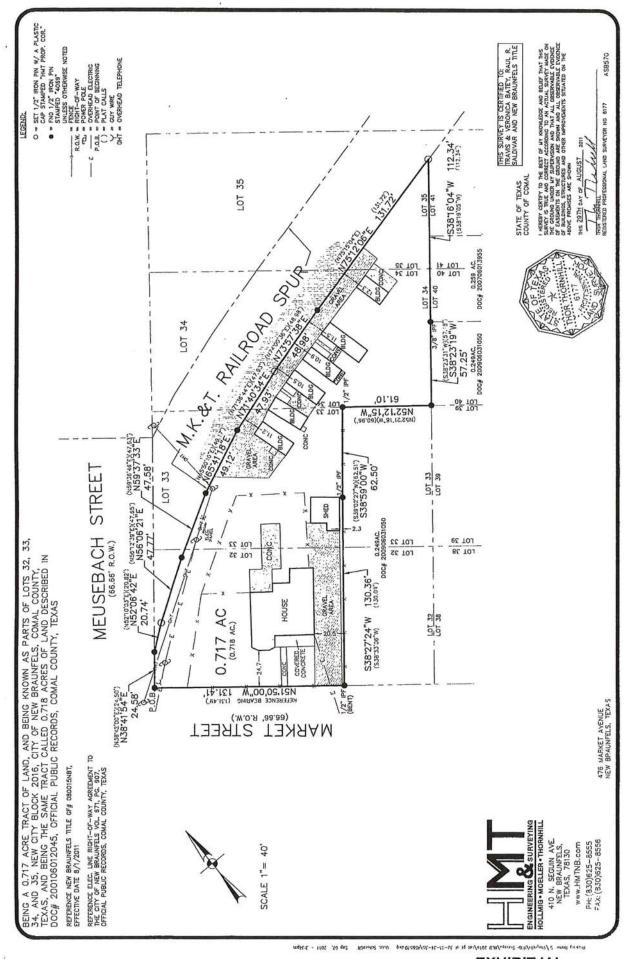
ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO. City Attorney

\\chfs-1\Departments\Planning\Ordinances\Special Use Permits\2016\PZ-16-061 Batey Cabins SUP.ord.docx





METES AND BOUNDS DESCRIPTION FOR A 0.717 ACRE TRACT OF LAND

Being a 0.717 acre tract of land, and being known as parts of Lots 32, 33, 34, and 35, New City Block 2016, City of New Braunfels, Comal County, Texas, and being the same tract called 0.718 acres of land described in Doc# 200106012045, Official Public Records, Comal County, Texas, said 0.717 acre tract of land being more particularly described as follows:

Beginning at a ½" iron pin stamped "4069" found at the intersection of the Northeast line of Market Street, with the Southeast line of Meusebach Street, for the West corner of the above referenced Lot 32, for the West corner of the above referenced 0.718 acre tract of land, for the West corner and Point of Beginning of this tract;

Thence along the Southeast line of Meusebach Street, N 38°41′54″ E a distance of 24.58 feet to a ½″ iron pin stamped "4069" found at it's intersection with the Southerly line of the M. K. & T. Railroad Spur, for a corner of said 0.718 acre tract of land, for a corner of this tract;

Thence along the Northerly line of said 0.718 acre tract of land, the Southerly line of said M. K. & T. Railroad Spur, the following calls:

N 52°06'42" E a distance of 20.74 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 56°06′21″ E a distance of 47.77 feet to a ½″ iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 59°37′33″ E a distance of 47.58 feet to a ½″ iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 65°41′18" E a distance of 49.12 feet to a ½" iron pin stamped "4069" found for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 71°40'34" E a distance of 47.93 feet to a ½" iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 73°57′38″ E a distance of 48.98 feet to a $\frac{1}{2}$ ″ iron pin stamped "HMT PROP. COR." set for a corner of said 0.718 acre tract of land, for a corner of this tract;

N 75°12′06″ E a distance of 131.72 feet to a ½″ iron pin stamped " HMT PROP. COR." set in the Southeasterly line of said Lot 35, the Northwesterly line of said lot 41, for the Northeasterly corner of said 0.718 acre tract of land, for the Northeasterly corner of this tract;

Thence along the Southeasterly line of said Lots 34 and 35, the Northwesterly line of Lots 40 and 41, New City Block 2016, the following calls:

S 38°16'04" W a distance of 112.34 feet to a 3/8" iron pin found for a corner of said 0.718 acre tract of land, for a corner of this tract:

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

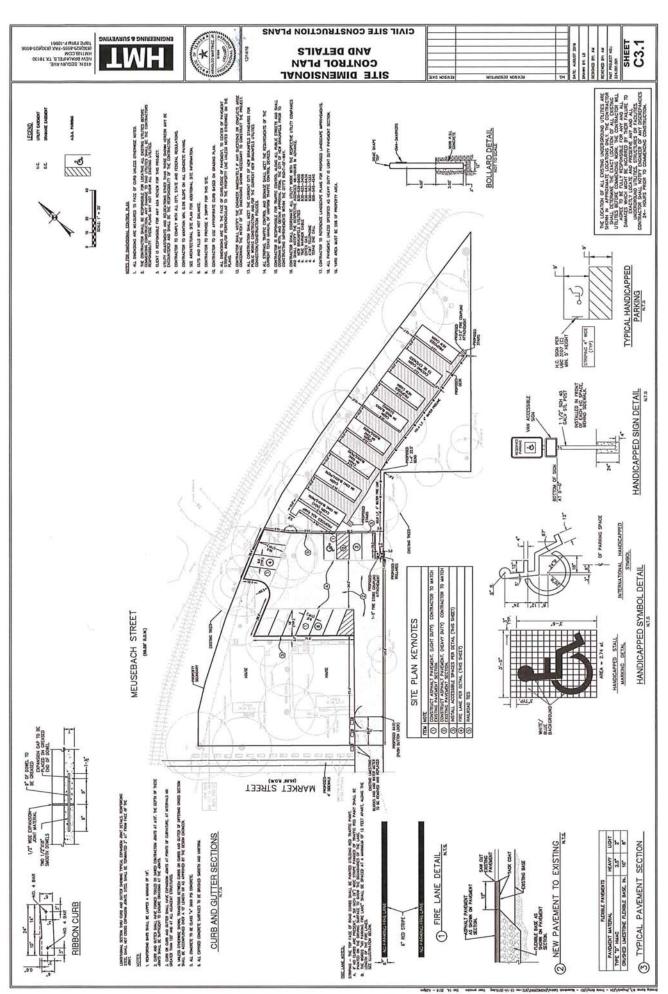


EXHIBIT 'C'

May 30, 2019

I am writing you today to apologize if I caused you any stress or trouble concerning your fence. We have taken all the tin and wood off of the fence. If we need to do anything else concerning this matter, please let me know.

I am enclosing before and after pictures of our side of your fence to show

that we have, in fact, taken the material off.

The City of New Braunfels is requesting that you please sign below, proving that you received this letter and pictures. Please sign and mail it back to us so we can take it to them.

Thank you in advance for your time and cooperation on this matter. We have enclosed a copy for your records.

Sincerely,

Travis E. Batey	
x //HATTO	<u> </u>
I, Sharon O'Toole, received this let	ter and photos from Travis Batey.

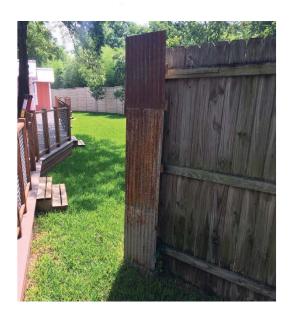
City of New Braunfels,

We have removed the tin and 2x4's from Sharon O'Toole's fence. Everything is cleaned up and back to usual condition.

- ✓ Removed all corrugated tin
- ✓ Removed 2x4s
- ✓ Cleaned up area
- ✓ Checked gaps on original fence

Travis E. Batey

Date 5-31-19

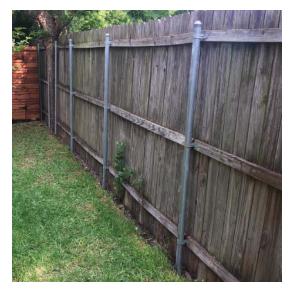
















ORDINANCE NO. 2019-

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 conditions:

- 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.

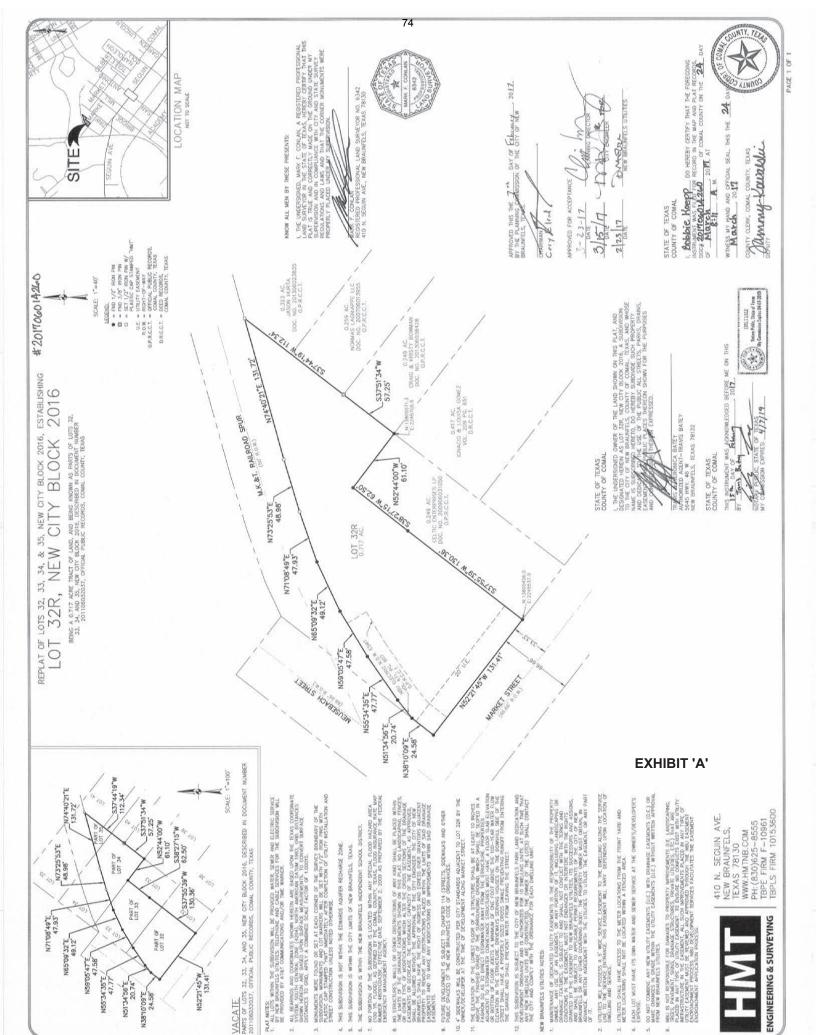
SECTION 5

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.

ATTEST:
PATRICK D. ATEN, City Secretary
APPROVED AS TO FORM:
ALL ROVED AO TO LORM.
VALERIA M. ACEVEDO, City Attorney





City Council Agenda Item Report

550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. D)

Presenter/Contact Mark Enders, Watershed Program Manager (830) 221-4639 - menders@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance amending Chapter 142 pertaining to methods of fishing and release of non-native aquatic species into waterbodies within the city limits.

BACKGROUND / RATIONALE:

The current Code of Ordinances, Chapter 142- *Waterways*, prohibits the usage of live bait as a method of fishing within the city limits. This language conflicts with Texas Parks and Wildlife Dept (TPWD) fishing regulations which allow the use of live bait on waterways. Staff is proposing a revision Chapter 142 in order to allow the usage of live bait and to defer regulation of fishing to TPWD, except as it pertains to prohibiting the introduction of non-native organisms into bodies of water. Staff proposes to incorporate language prohibiting the release of non-native bait and aquarium species into any body of water within the city limits. This language is in conformance with the City's obligations under the Edwards Aquifer Habitat Conservation Plan (EAHCP) program. The types of live bait that will be allowed consist of terrestrial organisms (i.e. earthworms, grasshoppers) and native aquatic organisms (i.e. crawfish, native minnows). The revised ordinance prohibits the use of cast nets within the Comal River system including Landa Lake, Comal Spring Runs, and Comal River. The revised ordinance also prohibits spearfishing and bow-fishing from City-owned property.

This ordinance amendment provides for a fine of not more than \$500.00.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

N/A

FISCAL IMPACT:

None

COMMITTEE RECOMMENDATION:

The Parks and Recreation Advisory Board considered this item at their May 21, 2019 meeting. There was a unanimous vote (4-0) from the board members present to recommend approval to City Council with an amendment to include bow-fishing as a prohibited method of fishing from City-owned property. City Council unanimously approved the first reading of the ordinance at the May 28, 2019 regular Council meeting.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to Chapter 142 pertain to methods of fishing and release of non-native aquatic species.

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS AMENDING CHAPTER 142 TO ALLOW USE OF CERTAIN LIVE BAIT IN THE CITY LIMITS AND TO MINIMIZE THE POTENTIAL FOR THE INTRODUCTION OF NON-NATIVE, INVASIVE AQUATIC SPECIES; PROVIDING FOR PENALTY AND CULPABLE MENTAL STATE; PROVIDING FOR SEVERABILITY CLAUSE, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City is a partner on the Edwards Aquifer Habitat Conservation Plan that aims to protect habitat of federally-protected endangered species in the Comal River system; and

WHEREAS, the current Code of Ordinances, Section 142-4, entitled Methods of Fishing, should be amended since it prohibits the use of any type of live bait, which conflicts with Texas Parks and Wildlife Department fishing regulations; and

WHEREAS, the introduction of non-native, invasive aquatic organisms have the potential to negatively impact endangered aquatic species and native fish populations; and

WHEREAS, the types of live bait allowed should exclude non-native, invasive aquatic species, including aquarium species such as goldfish and *Plecostomus* sp., which is in conformance with the City's obligation under the Edwards Aquifer Habitat conservation Plan (EAHCP) program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

I.

THAT the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

II.

THAT Chapter 142, of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows with strikeout font indicating deletions and underlined font indicating new language:

Chapter 142 – WATERWAYS

Sec. 142-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

<u>Invasive Species</u> is a plant or animal that is typically exotic and non-native that can multiply and expand at rapid rates and compete with native plants and animals for food and habitat space.

Muffler means a device through which the escaping gases of the self-propelling mechanical device that may be attached to any boat, raft or float pass, designed to muffle or minimize the noise produced by the operation of such self-propelling mechanical device.

Native Aquatic Organism means a species of plant or animal that normally lives and thrives in a particular aquatic ecosystem.

Non-Native Aquatic Organism means an aquatic organism species that occurs outside of its native range as a result of deliberate or accidental introduction by humans. Non-native species compete with native species for food and habitat having the potential to cause adverse impacts to native populations.

<u>Terrestrial Organisms</u> means animal species that live predominantly or entirely on land. <u>Terrestrial bait species include but are not limited to earthworms, crickets and grasshoppers.</u>

Nighttime means any time from sunset until sunrise.

Sec. 142-4. - Methods of fishing.

It shall be unlawful for any person to take or catch any fish within the city limits by any means or device for catching fish other than ordinary pole and line, casting rod and reel, artificial bait, trotline or set line; provided, however, that a seine may be used as provided by the laws of the state or regulations by the state parks and wildlife commission.

Fishing within the city limits shall be conducted in accordance with the general fishing regulations set forth by the Texas Parks and Wildlife Department. Fishing within the Comal River system, including Landa Lake and the Comal River, shall be conducted only with the use of artificial lures and live bait consisting of terrestrial organisms (i.e.

earthworms, grasshoppers) and native aquatic organisms (i.e. crawfish, native minnows). The use of non-native aquatic organisms as bait for the means of fishing shall be prohibited within the Comal River system. The use of cast nets within the Comal River system, including the Comal Spring runs, Landa Lake, and the Comal River shall be prohibited. Spearfishing and bow-fishing from City-owned property shall be prohibited except as authorized by the City of New Braunfels.

<u>Sec. 142-6. – Control of Non-Native Organism Introduction Into Waterways.</u>

It shall be unlawful for any person to introduce and release any non-native aquatic organism, including all aquarium species, into any water body within the City of New Braunfels corporate city limits.

<u>Sec. 142-7. – Penalties and Culpable Mental State.</u>

The violation of any provision of this article shall be a misdemeanor and shall be punishable, upon conviction, by a fine of not more than \$500.00. It is hereby declared that the culpable mental state required by V.T.C.A., Penal Code § 6.02 is specifically negated and clearly dispensed with, and such offense is declared to be a strict liability offense. Each day any violation of this ordinance continues shall constitute a separate and distinct offense.

III.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof are declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this th	e, 2019.	
PASSED AND APPROVED: Second reading this	s the day of, 201	19.
CITY OF N	EW BRAUNFELS, TEXAS	
BARRON	CASTEEL, MAYOR	

ATTEST:
PATRICK D. ATEN, CITY SECRETARY
APPROVED AS TO FORM:
VALERIA M. ACEVEDO, CITY ATTORNEY



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. E)

Presenter

Christopher J. Looney, Director of Planning and Community Development clooney @nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance regarding amendments to Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18, M-1A Light Industrial, Section 3.4-19, M-2A Heavy Industrial, and Section 4.2, Land Use Matrix.

BACKGROUND / RATIONALE:

Case No.: ORD-19-111

Council District: All

Applicant: City of New Braunfels

Staff Contact: Jean Drew, Senior Planner

jdrew@nbtexas.org (830) 221-4652

City Council held a public hearing May 28, 2019 and unanimously approved the first reading, and gave directions for follow up steps including but not limited to rezoning industrial zoned tracts that are developed with residential uses, and amending the land use matrix further for consistency.

New Braunfels first zoning districts (1945) were cumulative in nature, meaning that uses allowed in the least intense residential district were also allowed in the multi-family district; everything allowed in multifamily is also allowed in the commercial districts, and everything allowed in the commercial districts is also allowed in industrial districts (all uses).

This practice has continued, and the current zoning ordinance still includes cumulative industrial districts, resulting in single family and multifamily uses within industrial zoned areas. This triggers compatibility concerns for both industrial and residential use, resulting in 1) a very limited amount of remaining industrial zoned property not impacted by residential land use or potential future residential development, and 2) existing residences negatively impacted by the intensity of neighboring industrial or heavy commercial activity.

New Braunfels must preserve its industrial zoning to attract industry and jobs, and to maintain a healthy and diverse tax base. Concurrently, New Braunfels must protect residential areas, providing balance to both. At the January 2019 City Council/Planning Commission Joint Workshop, staff received direction to address issues presented by historic cumulative zoning practices. And on April

8, 2019 City Council directed staff to proceed with the various steps recommended in accordance with the Comprehensive Plan.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council Priority:	Action 1.3: Encourage balanced and fiscally
Envision New Braunfels	responsible land use patterns. Action 1.8:
Comprehensive Plan	Concentrate future investment in industrial and
	employment centers near existing and emerging
	hubs, such as the airport; and along existing high
	capacity transportation networks, such as Interstate
	Highway 35. Action 1.11 Update policies and codes
	to achieve development patterns that implement the
	goals of Envision New Braunfels. Action 3.3
	Balance commercial centers with stable
	neighborhoods. Action 3.6 Proactively provide a
	regulatory environment that remains business and
	resident friendly.

FISCAL IMPACT:

Limiting residential encroachment into or near industrial areas protects opportunities for economic development and job expansion, allows growth in our tax base, and protects property values for all.

COMMITTEE RECOMMENDATION:

The Planning Commission held a Public Hearing May 7, 2019 and recommended approval of the proposed ordinance revision.

STAFF RECOMMENDATION:

Staff recommends approval to protect both industrial and residential land uses by approving the attached ordinance amendments to the industrial zoning districts removing residential as an allowed use.

Potential subsequent follow-up action on future dates, given approval of this ordinance amendment include:

- 1. Identify existing residential areas made nonconforming by the rezoning action referenced above:
 - If the Comprehensive Plan calls for those areas to be residential, rezone them to residential.
 - If the Comprehensive Plan calls for those areas to be future Employment Centers, rezone them to mixed use.
- 2. Increase Inventory of land zoned for industry:
 - Consider annexation and appropriate zoning of non-annexation agreement land located near or within Future Employment Centers or near existing industrial greenfield.
 - Consider annexing property east of the airport, zone it industrial.
 - Identify areas developed with industrial land use but presently not zoned industrial and rezone accordingly.
 - Rezone properties located within the city limits near Employment Centers to industrial

or mixed-use zoning districts.

- Consider creation of a new zoning district: BP Business Park for cohesive, master planned, campus style light industrial development.
- 3. Ensure mixed-use zoning includes impact mitigation measures (e.g. tiered buffers) to avoid incompatible land uses.

ATTACHMENTS:

- 1. April 8 Staff Presentation Report to City Council on Industrial Zoning
- 2. Draft amendments to Sections 3.3-11, M-1, Light Industrial
- 3. Draft amendments to Sections 3.3-12, M-2, Heavy Industrial
- 4. Draft amendments to Sections 3.4-18, M-1A, Light Industrial
- 5. Draft amendments to Sections 3.4-19, M-2A, Light Industrial
- 6. Draft Amendments to Section 4.2, Land Use Matrix
- 7. Draft Planning Commission Minutes
- 8. Ordinance

<u>Presenter</u>

Christopher J. Looney, Planning and Community Development Director (830) 221-4055 - clooney @nbtexas.org

SUBJECT:

..Title

Presentation on protection of industrial zoning.

..Body

BACKGROUND / RATIONALE:

Council District: All

Staff Contact: Jean Drew, Senior Planner

(830) 221-4050 jdrew@nbtexas.org

Zoning first came about in the early 1900s by popular demand. Citizens of various cities grew concerned with heights of buildings and intensity of uses impacting their properties and their health. After several cities experimented with zoning, the federal government developed the Standard Zoning Enabling Act in the 1920s through which states could model rules for their cities to enact. The Supreme Court upheld the rights of cities to regulate uses through zoning in 1926.

Early zoning ordinances were "pyramidal" or cumulative in nature, i.e. uses allowed in the least intense residential district were also allowed in the multi-family district; everything allowed in the multifamily district was allowed in the commercial district; and so on, all the way up to industrial districts which allowed everything. In the 1920s and 1930s, before the proliferation of the automobile, this development pattern was effective because it allowed residential to be built in close proximity to factories, providing Americans with easy walking access from their homes to the places they worked.

One example we still see remnants of is cities would zone land along their railroad tracks industrial to accommodate warehousing, factories, etc. adjacent to the predominant mode of commercial transport at the time. If the city's zoning was cumulative, this did not preclude residences from also being built near rail lines. If the commercial districts also allowed residential uses, pockets of homes might lie in close proximity to heavy commercial activity as well.

While this was an effective development pattern in the early 20th century, as the automobile made Americans more mobile, concerns emerged: many residents no longer wanted to live near intense commercial or industrial uses; and industrial uses were being impacted by concerned residents in close proximity.

Other zoning ordinances that came about at the same time, or soon thereafter, separated uses so that the cumulative effect did not occur, i.e. residential districts allowed only

residential; commercial only commercial, etc. in efforts to ensure more compatibility of uses. Typical transitions would include rings of commercial zoning surrounding industrial before leading into residentially zoned property.

As time moved on, more innovative zoning concepts emerged such as performance zoning, form-based zoning, and others. Today, mixed-use zoning districts that ensure compatibility through development standards are a popular concept as people begin to experiment with a variety of different transportation modes and walking regains popularity.

New Braunfels' first zoning districts were cumulative in nature. In 1987, New Braunfels added a new set of zoning districts to their ordinance. The more cumulative "pre-1987 districts" remained but property could not be rezoned to the old districts.

Remnants of historic zoning and development patterns across the U.S. include a variety of residential home types near commercial uses or near property zoned industrial. Unintended consequences of the historic practices include:

- 1. Residents buy a home, and then industrial or commercial uses later develop adjacent to them.
- 2. Vacant industrial land that is difficult to develop or attract a job generator to, due to:
 - a. existing adjacent residential uses, or
 - b. vacant adjacent land zoned to allow residential.
- 3. The gradual evaporation of available industrial zoned land with no land being newly zoned to industrial.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council	Action 1.3: Encourage balanced and fiscally
Priority:	responsible land use patterns.
Envision New Braunfels	·
Comprehensive Plan	Action 1.8: Concentrate future investment in industrial and employment centers near existing and emerging hubs, such as the airport; and along existing high capacity transportation networks, such as Interstate Highway 35.
	Action 1.11: Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels.
	Action 3.3: Balance commercial centers with stable neighborhoods.
	Action 3.6: Proactively provide a regulatory environment that remains business and resident friendly.

FISCAL IMPACT:

Limiting residential encroachment into or near industrial areas protects opportunities for economic development and job expansion, and protects property values for all.

..Recommendation

COMMITTEE RECOMMENDATION:

City Council and the Planning Commission discussed this topic at their January joint workshop. City Council directed staff to analyze the issue further and bring forward potential steps to address the concern presented by historic cumulative zoning practices.

STAFF RECOMMENDATION:

There are several steps that can be taken to address the existing, and potential future, conflict of incompatible land uses. Staff recommends proceeding with 1(a) and 1(b) below, with the subsequent items to possibly follow with direction accordingly:

- 1. Protect existing vacant properties zoned industrial, or those in areas identified as Employment Centers in the Comprehensive Plan.
 - a. Amend the industrial zoning districts to remove residential as an allowed use.
 - b. Review existing non-annexation agreements to determine status and/or expiration.
 - c. Consider annexing properties near or within Future Employment Centers and near existing industrial greenfield; if annexed, zone to a district that prevents incompatible development.
- 2. Increase inventory of industrial greenfield.
 - a. Rezone properties within or near Employment Centers to industrial or mixed use zoning districts to accommodate future industrial.
 - b. Consider annexing property east of the airport; zone it industrial.
 - i. Protects airport from incompatible uses.
 - ii. Increases inventory of industrial.
 - iii. Pushes city limits east to capture ETJ recently conditionally released by Seguin.
 - c. Consider creating a new zoning district: BP (Business Park) for cohesive, master planned, campus style light industrial development.
- 3. Identify areas developed with industrial but are presently zoned commercial or residential; rezone accordingly.
 - a. Ensure adjacent vacant tracts do not allow new residential.
- 4. Identify areas developed with residential but are presently zoned industrial. Removing residential as an allowed use would make the homes nonconforming:
 - a. If the Comprehensive Plan calls for those areas to be residential, rezone them to residential.
 - b. If the Comprehensive Plan calls for those areas to be future Employment Centers, rezone them to commercial, mixed use or industrial.

While current trends in land use planning encourage mixed uses, such intermingling of uses should include necessary mitigation measures to ensure property values, housing affordability, job creation, economic development, and citizen quality of life are all

maintained. Therefore:

- Ensure mixed use zoning includes impact mitigation measures.
 a. Amend mixed use districts if necessary to increase or tier buffers between incompatible uses based on intensity.

3.3-11. "M-1" light industrial district. The following regulations shall apply in all "M-1" districts:

(a) Authorized uses. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows:

(1) Uses permitted by right:

Residential uses:

Accessory building/structure

Accessory dwelling (one accessory dwelling per lot, no kitchen)

Bed and breakfast inn

Boardinghouse/lodging house

Cabin or cottage (rental for more than 30 days)

Community home (see definition)

Dormitory (in which individual rooms are for rental)

Duplex / two-family / duplex condominiums

Home Occupation (See Sec. 5.5)

Multifamily (apartments/condominiums)

One family dwelling, detached

Rental or occupancy for less than one month (see Sec. 5.17)

Residential use in buildings with the following non-residential uses

Single family industrialized home (see Sec. 5.8)

Townhouse (attached)

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations

Adult day care (no overnight stay)

Adult day care (with overnight stay)

Aircraft support and related services

Airport

All terrain vehicle (ATV) dealer / sales

Ambulance service (private)

Amphitheater

Amusement devices/arcade (four or more devices)

Amusement services or venues (indoors) (see Sec. 5.13)

Amusement services or venues (outdoors)

Animal grooming shop

Answering and message services

Antique shop

Appliance repair

Archery range

Armed services recruiting center

Art dealer / gallery

Artist or artisan's studio

Assembly/exhibition hall or areas

Athletic fields

Auction sales (non-vehicle)

Auto body repair, garages (see Sec. 5.11)

Auto glass repair/tinting (see Sec. 5.11)

Auto interior shop / upholstery (see Sec. 5.11)

Auto leasing

Auto muffler shop

Auto or trailer sales rooms or yards (see Sec. 5.12)

Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)

Auto paint shop (see Sec. 5.11)

M-1

Auto repair as an accessory use to retail sales (see Sec. 5.11)

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Auto repair garage (general) (see Sec. 5.11)

Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)

Automobile driving school (including defensive driving)

Bakery (retail)

Bank, savings and loan, or credit union

Bar/Tavern

Barber/beauty college (barber or cosmetology school or college)

Barber/beauty shop, haircutting (non-college)

Barns and farm equipment storage (related to agricultural uses)

Battery charging station

Bicycle sales and/or repair

Billiard / pool facility

Bingo facility

Bio-medical facilities

Blacksmith or wagon shops

Book binding

Book store

Bottling or distribution plants (milk)

Bottling works

Bowling alley/center (see Sec. 5.13)

Broadcast station (with tower) (see Sec. 5.7)

Bus barns or lots

Bus passenger stations

Cafeteria / café / delicatessen

Campers' supplies

Car wash (self service; automated)

Car wash, full service (detail shop)

Carpenter, cabinet, or pattern shops

Carpet cleaning establishments

Caterer

Cemetery and/or mausoleum

Check cashing service

Chemical laboratories (not producing noxious fumes or odors)

Child day care/children's nursery (business)

Church/place of religious assembly

Civic/conference center and facilities

Cleaning, pressing and dyeing (non-explosive fluids used)

Clinic (dental)

Clinic (emergency care)

Clinic (medical)

Club (private)

Coffee shop

Cold storage plant

Commercial amusement concessions and facilities

Communication equipment (installation and/or repair)

Community building (associated with residential uses)

Computer and electronic sales

Computer repair

Confectionery store (retail)

Consignment shop

Contractor's office/sales, with outside storage including vehicles

Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)

Convenience store with or without fuel sales

Country club (private)

Credit agency

Curio shops

Custom work shops

Dance hall / dancing facility

Day camp

Department store

Drapery shop / blind shop

Driving range

Drug sales/pharmacy

Electrical repair shop

Electrical substation

Electronic assembly/high tech manufacturing

Electroplating works

Engine repair/motor manufacturing re-manufacturing and/or repair

Exterminator service (with outside storage)

Fair ground

Farmers market (produce market - wholesale)

Farms, general (crops) (see Chapter 6, Municipal Code)

Farms, general (livestock/ranch) (see Chapter 6, Municipal Code)

Feed and grain store

Filling station (fuel tanks must be below the ground)

Florist

Flour mills, feed mills, and grain processing

Food or grocery store with or without fuel sales

Food processing (no outside public consumption)

Forge (hand)

Forge (power)

Fraternal organization/civic club (private club)

Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)

Freight terminal, truck (all storage of freight in an enclosed building)

Frozen food storage for individual or family use

Funeral home/mortuary

Furniture manufacture

Furniture sales (indoor)

Galvanizing works

Garden shops and greenhouses

Golf course (miniature)

Golf course, public or private

Grain elevator

Greenhouse (commercial)

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

Heating and air-conditioning sales / services

Heavy load (farm) vehicle sales/repair (see Sec. 5.14)

Heliport

Home repair and yard equipment retail and rental outlets

Hospital, general (acute care/chronic care)

Hospital, rehabilitation

Hotel/motel

Hotels/motels - extended stay (residence hotels)

Ice delivery stations (for storage and sale of ice at retail only)

Ice plants

Industrial laundries

Kiosk (providing a retail service)

Laboratory equipment manufacturing

Laundromat and laundry pickup stations

Laundry, commercial (w/o self serve)

Laundry/dry cleaning (drop off/pick up)

Laundry/washateria (self serve)

Lawnmower sales and/or repair

Leather products manufacturing

Light manufacturing

Limousine / taxi service

Locksmith

Lumberyard (see Sec. 5.15)

Lumberyard or building material sales (see Sec. 5.15)

Machine shop

Maintenance/janitorial service

Major appliance sales (indoor)

Manufactured home sales

Manufacturing and processes

Market (public, flea)

Martial arts school

Medical supplies and equipment

Metal fabrication shop

Micro brewery (onsite manufacturing and/or sales)

Mini-warehouse/self storage units (no outside boat and RV storage permitted)

Mini-warehouse/self-storage units (with outside boat and RV storage permitted)

Motion picture studio, commercial film

Motion picture theater (indoors)

Motion picture theater (outdoors, drive-in)

Motorcycle dealer (primarily new / repair)

Moving storage company

Moving, transfer, or storage plant

Museum

Needlework shop

Non-bulk storage of fuel, petroleum products and liquefied petroleum

Nursing/convalescent home/sanitarium

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying or similar

Offices, health services

Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services

Outside storage (as primary use)

Park and/or playground (public or private)

Parking lots (for passenger car only) (not as incidental to the main use)

Parking structure/public garage

Pawn shop

Personal watercraft sales (primarily new / repair)

Pet shop / supplies (10,000 sq. ft. or less)

Pet store (more than 10,000 sq. ft.)

Photo engraving plant

Photographic printing/duplicating/copy shop or printing shop

Photographic studio (no sale of cameras or supplies)

Photographic supply

Plant nursery (no retail sales on site)

Plant nursery (growing for commercial purposes with retail sales on site)

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Plastic products molding/reshaping

Plumbing shop

Portable building sales

Poultry killing or dressing for commercial purposes

Propane sales (retail)

Public recreation/services building for public park/playground areas

Publishing/printing company (e.g., newspaper)

Quick lube/oil change/minor inspection

Radio/television shop, electronics, computer repair

Recreation buildings (public or private)

Recycling kiosk

Refreshment/beverage stand

Research lab (non-hazardous)

Restaurant with drive through service

Restaurant/prepared food sales

Retail store and shopping center

Retirement home/home for the aged - public

Rodeo grounds

RV park

RV/Travel Trailer Sales

School, K-12 (public or private)

School, vocational (business/commercial trade)

Security monitoring company (no outside storage or installation)

Security systems installation company (with outside storage)

Sheet metal shop

Shoe repair shops

Shooting gallery - indoor (see Sec. 5.13)

Sign manufacturing/painting plant

Stone/clay/glass manufacturing

Storage - exterior storage for boats and recreational vehicles

Storage in bulk

Studio for radio or television (with tower) (see Sec. 5.7)

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)

Tailor shop

Tattoo or body piercing studio

Taxidermist

Telemarketing agency

Telephone exchange buildings (office only)

Tennis court (commercial)

Theater (non-motion picture; live drama)

Tire sales (outdoors)

Tool rental

Transfer station (refuse/pick-up)

Travel agency

Truck or transit terminal

Truck Stop

University or college (public or private)

Upholstery shop (non-auto)

Used or second hand merchandise/furniture store

Vacuum cleaner sales and repair

Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential

Video rental / sales

Warehouse / office and storage / distribution center

Waterfront amusement facilities - berthing facilities sales and rentals

Waterfront amusement facilities - boat fuel storage / dispensing facilities

Waterfront amusement facilities - boat landing piers / launching ramps

Waterfront amusement facilities - swimming / wading pools / bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Welding shop

Wholesale sales offices and sample rooms

Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(1) (2) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

- (b) Maximum height, minimum area and setback requirements:
 - (1) Non-residential.
 - (1)(i) Height. 120 feet.
 - (2)(ii) Front building setback. 25 feet.
- (3) (iii) Side building setback. No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in a "R" or "B-1" zone, a side building setback of not less than six feet shall be provided.
 - (4) (iv) Rear building setback. 20 feet.
 - (5) (v) Residential setback. Effective November 8, 2006, where a non-residential building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (6) (vi) Width of lot. The minimum width of a lot shall be 60 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirement will not prohibit the construction of a use enumerated in this district.
- (7) (vii) Corner lots. A minimum 25-foot front yard setback and side building setback adjacent to streets shall be required on all corner lots. A canopy at least six feet in height, attached to the main building, may be built within 15 feet of the street line so long as such construction is not supported by columns which will obstruct the vision of vehicles driving upon adjacent streets.
 - (8) (viii) Lot depth. 100 feet.
 - (2) One family dwellings.
 - (i) Height. 45 feet.
 - (ii) Front building setback. 25 feet.

- (iii) Rear building setback. 20 feet.
- (iv) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-ofway, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (vi) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.
- (vii) Lot area. Every single-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one half acre and one acre on the Edwards Aquifer Recharge Zone.
- (viii) Lot depth. 100 feet.
- (ix) Parking. Two off-street parking spaces shall be provided for each one-family detached dwelling. See Section 5.1 for other permitted uses' parking.
- (3) Duplexes.
- (i) Height. 45 feet.
- (ii) Front building setback. 25 feet.
- (iii) Rear building setback. 20 feet.
- (iv) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-ofway, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (vi) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet

- (vii) Lot area. Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.
- (viii) Lot depth. 100 feet.
- (viii) Parking. Two off-street parking spaces shall be provided for each two-family dwelling unit. See Sec. 5.1 for other permitted uses' parking.
- (4) Multifamily dwellings.
- (i) Height. 45 feet; 60 feet when a pitched roof is used (minimum 4:12 slope).
- (ii) Front building setback. 25 feet.
- (iii) Rear building setback. 25 feet.
- (iv) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (vi) Residential setback. Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (vii) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.
- (viii) Lot area. The minimum lot area for a multifamily dwelling shall be 15,000 square feet; for each unit over ten an additional 1,500 square feet of lot area shall be required. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, multifamily developments shall be approved by the City Sanitarian.
- (ix) Lot coverage. For multifamily structures, the combined area of all yards shall be at least 55 percent of the total lot or tract; provided, however, that in the event enclosed parking is provided the minimum total yard area requirement shall be 40 percent of the total lot or tract.
- (x) Distance between structures. For multifamily structures, there shall be a minimum of ten feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of ten feet

between structures backing rear to rear, and a minimum of 20 feet front to rear. (See Illustration 1 in Sec. 3.3-3)

- (xi) Lot depth. 100 feet.
- (xii) Parking. For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:
- 1. One-bedroom apartment or unit . . . 1 1/2 spaces
- Two-bedroom apartment or unit . . . 2 spaces
- Each Additional bedroom . . . 1/2 space
- 4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

- 3.3-12. "M-2" heavy industrial district. The following regulations shall apply in all "M-2" districts:
- (a) Authorized uses. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows:
 - (1) Uses permitted by right:

Residential uses:

Accessory building/structure

Accessory dwelling (one accessory dwelling per lot, no kitchen

Bed and breakfast inn (see Sec. 5.6)

Boardinghouse/lodging house

Cabin or cottage (rental for more than 30 days)

Community home (see definition)

Dormitory (in which individual rooms are for rental)

Duplex / two-family / duplex condominiums

Home Occupation (See Sec. 5.5)

Multifamily (apartments/condominiums)

One family dwelling, detached

Rental or occupancy for less than one month (see Sec. 5.17)

Residential use in buildings with the following non-residential uses

Single family industrialized home (see Sec. 5.8)

Townhouse (attached)

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations

Adult day care (no overnight stay)

Adult day care (with overnight stay)

Aircraft support and related services

Airport

All terrain vehicle (ATV) dealer / sales

Ambulance service (private)

Amphitheater

Amusement devices/arcade (four or more devices)

Amusement services or venues (indoors) (see Sec. 5.13)

Amusement services or venues (outdoors)

Animal grooming shop

Answering and message services

Antique shop

Appliance repair

Archery range

Armed services recruiting center

Art dealer / gallery

Artist or artisan's studio

Assembly/exhibition hall or areas

Athletic fields

Auction sales (non-vehicle)

Auto body repair, garages (see Sec. 5.11)

Auto glass repair/tinting (see Sec. 5.11)

Auto interior shop / upholstery (see Sec. 5.11)

Auto leasing

Auto muffler shop (see Sec. 5.11)

Auto or trailer sales rooms or yards(see Sec. 5.11)

Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)

Auto paint shop (see Sec. 5.11)

Auto repair as an accessory use to retail sales (see Sec. 5.11)

Auto repair garage (general) (see Sec. 5.11)

Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)

Automobile driving school (including defensive driving)

Bakery (retail)

Bank, savings and loan, or credit union

Bar/Tavern

Barber/beauty college (barber or cosmetology school or college)

Barber/beauty shop, haircutting (non-college)

Barns and farm equipment storage (related to agricultural uses)

Battery charging station

Bicycle sales and/or repair

Billiard / pool facility

Bingo facility

Bio-medical facilities

Blacksmith or wagon shops

Blooming or rolling mills

Book binding

Book store

Bottling or distribution plants (milk)

Bottling works

Bowling alley/center (see Sec. 5.13)

Breweries/distilleries and manufacture of alcohol and alcoholic beverages

Broadcast station (with tower) (see Sec. 5.7)

Bus barns or lots

Bus passenger stations

Cafeteria / café / delicatessen

Campers' supplies

Canning/preserving factories

Car wash (self service; automated)

Car wash, full service (detail shop)

Carpenter, cabinet, or pattern shops

Carpet cleaning establishments

Caterer

Cemetery and/or mausoleum

Check cashing service

Chemical laboratories (e.g., ammonia, bleaching powder)

Chemical laboratories (not producing noxious fumes or odors)

Child day care/children's nursery (business)

Church/place of religious assembly

Cider mills

Civic/conference center and facilities

Cleaning, pressing and dyeing (non-explosive fluids used)

Clinic (dental)

Clinic (emergency care)

Clinic (medical)

Club (private)

Coffee shop

Cold storage plant

Commercial amusement concessions and facilities

Communication equipment (installation and/or repair)

Community building (associated with residential uses)

Computer and electronic sales

Computer repair

Concrete or asphalt mixing plants - permanent

Concrete or asphalt mixing plants – temporary

Confectionery store (retail)

Consignment shop

Contractor's office/sales, with outside storage including vehicles

Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)

Convenience store with or without fuel sales

Cotton ginning or baling works

Country club (private)

Credit agency

Curio shops

Custom work shops

Dance hall / dancing facility

Day camp

Department store

Drapery shop / blind shop

Driving range

Drug sales/pharmacy

Electrical generating plant

Electrical repair shop

Electrical substation

Electronic assembly/high tech manufacturing

Electroplating works

Enameling works

Engine repair/motor manufacturing re-manufacturing and/or repair

Exterminator service

Fair ground

Farmers market (produce market - wholesale)

Farms, general (crops) (see Chapter 6, Municipal Code)

Farms, general (livestock/ranch) (see Chapter 6, Municipal Code)

Feed and grain store

Filling station (fuel tanks must be below the ground)

Florist

Flour mills, feed mills, and grain processing

Food or grocery store with or without fuel sales

Food processing (no outside public consumption)

Forge (hand)

Forge (power)

Fraternal organization/civic club (private club)

Freight terminal, rail/truck (when any storage of freight is outside an enclosed building)

Freight terminal, truck (all storage of freight in an enclosed building)

Frozen food storage for individual or family use

Funeral home/mortuary

Furniture manufacture

Furniture sales (indoor)

Galvanizing works

Garden shops and greenhouses

Golf course (miniature)

Golf course, public or private

Governmental building or use

Grain elevator

Greenhouse (commercial)

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

Heating and air-conditioning sales / services

Heavy load (farm) vehicle sales/repair (see Sec. 5.14)

Heavy manufacturing

Heliport

Hides/skins (tanning)

Home repair and yard equipment retail and rental outlets

Hospital, general (acute care/chronic care)

Hospital, rehabilitation

Hotel/motel

Hotels/motels - extended stay (residence hotels)

Ice delivery stations (for storage and sale of ice at retail only)

Ice plants

Industrial laundries

Kiosk (providing a retail service)

Laboratory equipment manufacturing

Laundromat and laundry pickup stations

Laundry, commercial (w/o self serve)

Laundry/dry cleaning (drop off/pick up)

Laundry/washateria (self serve)

Lawnmower sales and/or repair

Leather products manufacturing

Light manufacturing

Limousine / taxi service

Livestock sale and auction

Locksmith

Lumber mill

Lumberyard (see Sec. 5.15)

Lumberyard or building material sales

Machine shop

Maintenance/janitorial service

Major appliance sales (indoor)

Manufactured home sales

Manufacturing and processes

Market (public, flea)

Martial arts school

Meat or fish packing/storage plants

Medical supplies and equipment

Metal fabrication shop

Micro brewery (onsite mfg. and/or sales)

Mini-warehouse/self storage units (no outside boat and RV storage permitted)

Mini-warehouse/self storage units (with outside storage permitted)

Motion picture studio, commercial film

Motion picture theater (indoors)

Motion picture theatre (outdoors, drive-in)

Motorcycle dealer (primarily new / repair)

Moving storage company

Moving, transfer, or storage plant

Museum

Needlework shop

Non-bulk storage of fuel, petroleum products and liquefied petroleum

Nursing/convalescent home/sanitarium

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying or similar

Offices, health services

Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services

Outside storage (as primary use)

Paint manufacturing

Park and/or playground (private or public)

Parking lots (for passenger car only) (not as incidental to the main use)

Parking structure/public garage

Pawn shop

Personal watercraft sales (primarily new / repair)

Pet shop / supplies (10,000 sq. ft. or less)

Pet store (more than 10,000 sq. ft.)

Photo engraving plant

Photographic printing/duplicating/copy shop or printing shop

Photographic studio (no sale of cameras or supplies)

Photographic supply

Plant nursery (growing for commercial purposes but no retail sales on site)

Plant nursery (retail sales / outdoor storage)

Plastic products molding/reshaping

Plumbing shop

Portable building sales

Poultry killing or dressing for commercial purposes

Propane sales (retail)

Public recreation/services building for public park/playground areas

Publishing/printing company (e.g., newspaper)

Quick lube/oil change/minor inspection

Radio/television shop, electronics, computer repair

Recreation buildings (public or private)

Recycling kiosk

Refreshment/beverage stand

Research lab (non-hazardous)

Restaurant with drive-through

Restaurant/prepared food sales

Retail store and shopping center

Retirement home/home for the aged - public

Rodeo grounds

RV park

RV/travel trailer sales

Sand/gravel sales (storage or sales)

School, K-12 (public or private)

School, vocational (business/commercial trade)

Security monitoring company

Security systems installation company (with outside storage)

Sheet metal shop

Shoe repair shops

Shooting gallery - indoor (see Sec. 5.13)

Sign manufacturing/painting plant

Stone/clay/glass manufacturing

Storage - exterior storage for boats and recreational vehicles

Storage in bulk

Studio for radio or television (without tower)

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)

Tailor shop

Tattoo or body piercing studio

Taxidermist

Telemarketing agency

Telephone exchange buildings (office only)

Tennis court (commercial)

Theater (non-motion picture; live drama)

Tire sales (outdoors)

Tool rental

Transfer station (refuse/pick-up)

Travel agency

Truck or transit terminal

Truck Stop

University or college (public or private)

Upholstery shop (non-auto)

Used or second hand merchandise/furniture store

Vacuum cleaner sales and repair

Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential

Video rental / sales

Warehouse / office and storage / distribution center

Waterfront amusement facilities - berthing facilities sales and rentals

Waterfront amusement facilities - boat fuel storage / dispensing facilities

Waterfront amusement facilities - boat landing piers / launching ramps

Waterfront amusement facilities - swimming / wading pools / bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Welding shop

Wholesale sales offices and sample rooms

Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein.

(2) Any other uses not now or hereinafter prohibited by ordinance of the City of New Braunfels regulating nuisances, except that the following uses will be permitted only by approval of the City Council after report from the Health Department, Fire Department, and the Planning Commission:

Acid manufacture.

Auto wrecking yards.

Bulk storage of fuel, liquefied petroleum and flammable liquids.

Cement, lime, gypsum or plaster of Paris manufacture.

Distillation of bones.

Explosives manufacture or storage.

Fertilizer manufacture and storage.

Garbage, offal or dead animal reduction or dumping.

Gas manufacture.

Iron and steel manufacture.

Junkyards, including storage, sorting, baling or processing of rags.

Manufacture of carbon batteries.

Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.

Manufacture of rubber, glucose, or dextrin.

Monument or marble works.

Oil compounding and barreling plants.

Paper or pulp manufacture.

Petroleum or its products (refining of).

Railroad roundhouses or shops.

Rock crushers.

Smelting of tin, copper, zinc or iron ores.

Steel furnaces.

Stockyards or slaughtering.

Structural iron or pipe works.

Sugar refineries.

Tar distillation or manufacture.

Tar products.

Wire or rod mills.

Wood distillation plants (charcoal, tar, turpentine, etc.).

Wool scouring.

- (3) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.
- (b) Maximum height, minimum area and setback requirements:
 - (1) Non-residential uses.
 - (1) (i) ——Height. 120 feet.
 - (2) (ii) Front building setback. 25 feet.
 - (3) (iii) Side building setbacks. No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in a "R" or "B-1" zone, a side building setback of not less than six feet shall be provided.
 - (4) (iv) Rear building setback. 20 feet.
- (5) (v) Residential setback. Effective November 8, 2006, where a non-residential building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (6) (vi) Width of lot. The minimum width of a lot shall be 60 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirement will not prohibit the construction of a use enumerated in this district.
- (7)(vii) Corner lots. A minimum 25-foot front yard setback and side building setback adjacent to streets shall be required on all corner lots. A canopy at least six feet in height, attached to the main building, may be built within 15 feet of the street line so long as such construction is not supported by columns which will obstruct the vision of vehicles driving upon adjacent streets.
 - (8)(viii) Lot depth. The depth of the lot shall be at least 100 feet.
 - (9)(ix) Parking. See Sec. 5.1 for permitted uses parking.
 - (2) One family dwellings.
 - (i) Height. 45 feet.
 - (ii) Front building setback. 25 feet.
 - (iii) Rear building setback. 20 feet.
 - (iv) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15 foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25 foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
 - (v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (vi) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet, provided that where a lot has less width than herein required, and such lot was in separate ownership prior to September 25, 1967, this requirement will not prohibit the erection of a one-family dwelling.
 - (vii) Lot area. Every single-family dwelling hereafter erected or altered shall have a lot area of not less than 6,600 square feet per family for interior lots, and 7,000 square feet per family for corner lots. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall not prohibit the erection of a one-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one half acre and one acre on the Edwards Aquifer Recharge Zone.
 - (viii) Lot depth. 100 feet.
 - (ix) Parking. Two off-street parking spaces shall be provided for each one-family detached dwelling unit. See Section 5.1 for other permitted uses' parking.

- (3) Duplexes.
- (i) Height. 45 feet.
- (ii) Front building setback. 25 feet.
- (iii) Rear building setback. 20 feet.
- (iv) Side building setbacks. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (vi) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet
- (vii) Lot area. Duplexes hereafter erected or altered shall have a lot area of not less than 8,000 square feet for an interior lot and 8,500 square feet for a corner lot. Where a lot was legally under separate ownership prior to September 25, 1967, but has an area less than the minimum required in this provision, this regulation shall prohibit the erection of a two-family residence. Where a public or community sewer is not available and in use for the disposal of all sanitary sewage, each lot shall provide not less than one acre and approved by the City Sanitarian.
- (viii) Lot depth. 100 feet.
- (ix) Parking. Two off-street parking spaces shall be provided for each two-family dwelling unit. See Sec. 5.1 for other permitted uses' parking.
- (4) Multifamily dwellings.
- (i) Height. 45 feet; 60 feet when a pitched roof is used (minimum 4:12 slope).
- (ii) Front building setback. 25 feet.
- (iii) Rear building setback. 25 feet.
- (iv) Side building setback. There shall be a side building setback on each side of a building not less than five feet in width. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the side lot lines of the adjacent lots.
- (v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (vi) Residential setback. Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (vii) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
- (viii) Lot area. The minimum lot area for a multifamily dwelling shall be 15,000 square feet; for each unit over ten an additional 1,500 square feet of lot area shall be required. Where public or community sewer is not available and in use, for the disposal of all sanitary sewage, multifamily developments shall be approved by the City Sanitarian.
- (ix) Lot coverage. For multifamily structures, the combined area of all yards shall be at least 55 percent of the total lot or tract; provided, however, that in the event enclosed parking is provided the minimum total yard area requirement shall be 40 percent of the total lot or tract.
- (x) Distance between structures. For multifamily structures, there shall be a minimum of ten feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of ten feet between structures backing rear to rear, and a minimum of 20 feet front to rear. (See Illustration 1 in Sec. 3.3-3)
- (xi) Lot depth. 100 feet.

- (xii) Parking. For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:
- 1. One-bedroom apartment or unit . . . 1 1/2 spaces
- 2. Two-bedroom apartment or unit . . . 2 spaces
- 3. Each Additional bedroom . . . 1/2 space
- 4. Each dwelling unit provided exclusively for low income elderly—occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)
- (5) Townhouses.
- (i) Height. 35 feet.
- (ii) Front building setback. 10 feet. If front entry garages/carports are provided, a minimum front yard of 20 feet shall be provided to the garage/carport.
- (iii) Side building setback. No side building setbacks are required for interior lots except the minimum distance between two building groups shall be 20 feet and the minimum distance between a building group and any abutting subdivision boundary or zoning district boundary line shall be 20 feet. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street, except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then 25-foot minimum side yards adjacent to the street shall be provided.
- (iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (v) Rear building setback. No building shall be constructed closer than ten feet from the rear property line. If the rear of the lots abut any other residential zoning district, the rear building setback shall have a minimum depth of 20 feet.
- (vi) Width of lot. Interior lots shall have a minimum width of 25 feet. Corner lots shall have a minimum width of 40 feet except where the rear lot line of a corner lot coincides with a side lot line of an adjacent lot, then the corner lot shall have a minimum width of 50 feet.
- (vii) Lot depth. 100 feet.
- (viii) Lot area per family. 2,500 square feet.
- (ix) Common open space. A minimum of 250 square feet of common open space per lot shall be provided within the townhouse project. In computing the required common open space, individually owned townhouse lots, required front, rear, or side setbacks, streets, alleys, or public rights-of-way of any kind, vehicular drives, parking areas, service drives, or utility easements containing or permitting overhead pole carried service shall not be included. Drainage easements and detention ponds may be used in computing common open space.
- (x) Other requirements:
- 1. Building group. There shall be no less than two nor more than eight individual dwelling units in each building or dwelling group. Each building group shall be at least 20 feet from any other building group, measured from the nearest points of their foundations. Each building or building group shall be at least 20 feet from any subdivision or zoning district boundary line.
- 2. Accessory buildings. Any detached accessory buildings permitted, except carports open on at least two sides, shall be set at least three feet away from the side lot line unless their walls are equal in fire resistance to the common walls of the main structure. Detached carports, open on at least two sides, may be built to the property line with no common wall required. Rear building setback for an accessory building shall be three feet. Any accessory building permitted in district "R-1" shall be permitted in district "TH."
- Parking. There shall be at least two off-street parking spaces for each townhouse. See Section 5.1
 for other permitted uses' parking.

3.4-18 "M-1A" light industrial district.

Purpose. The M-1A light industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, distribution, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation. The following regulations shall apply in all "M-1A" districts:

- (a) Authorized uses. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows
 - (1) Uses permitted by right.

Residential uses:

Accessory building/structure

Bed and breakfast inn (see Sec. 5.6)

Boardinghouse/lodging house

Community home (see definition)

Dormitory (in which individual rooms are for rental)

Multifamily (apartments/condominiums - at least five units)

Residential use in buildings with the following non-residential uses

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations

Adult day care (no overnight stay)

Adult day care (with overnight stay)

Aircraft support and related services

Airport

All terrain vehicle (ATV) Dealer / Sales

Ambulance service (private)

Amphitheater

Amusement devices/arcade (four or more devices)

Amusement services or venues (indoors) (see Sec. 5.13)

Amusement services or venues (outdoors)

Animal grooming shop

Answering and message services

Antique shop

Appliance repair

Archery range

Armed services recruiting center

Art dealer / gallery

Artist or artisan's studio

Assembly/exhibition hall or areas

Athletic fields

Auction sales (non-vehicle)

Auto body repair, garages (see Sec. 5.11)

Auto glass repair/tinting (see Sec. 5.11)

Auto interior shop / upholstery (see Sec. 5.11)

Auto leasing

Auto muffler shop (see Sec. 5.11)

Auto or trailer sales rooms or yards (see Sec. 5.12)

Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)

Auto paint shop

Auto repair as an accessory use to retail sales

Auto repair garage (general) (see Sec. 5.11)

Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)

Automobile driving school (including defensive driving)

Bakery (retail)

Bank, savings and loan, or credit union

Bar/Tavern

Barber/beauty college (barber or cosmetology school or college)

Barber/beauty shop, haircutting (non-college)

Barns and farm equipment storage (related to agricultural uses)

Battery charging station

Bicycle sales and/or repair

Billiard / pool facility

Bio-medical facilities

Blacksmith or wagon shops

Book binding

Book store

Bottling or distribution plants (milk)

Bottling works

Bowling alley/center (see Sec. 5.13)

Broadcast station (with tower) (see Sec. 5.7)

Bus barns or lots

Bus passenger stations

Cafeteria / café / delicatessen

Campers' supplies

Car wash (self-service; automated)

Car wash, full service (detail shop)

Carpenter, cabinet, or pattern shops

Carpet cleaning establishments

Caterer

Cemetery and/or mausoleum

Check cashing service

Chemical laboratories (not producing noxious fumes or odors)

Church/place of religious assembly

Civic/conference center and facilities

Cleaning, pressing and dyeing (non-explosive fluids used)

Clinic (dental)

Clinic (emergency care)

Clinic (medical)

Club (private)

Coffee shop

Cold storage plant

Commercial amusement concessions and facilities

Communication equipment - installation and/or repair

Community building (associated with residential use)

Computer and electronic sales

Computer repair

Confectionery store (retail)

Consignment shop

Contractor's office/sales, with outside storage including vehicles

Contractor's temporary on-site construction office (with permit from Building Official; Sec. 5.10)

Convenience store with or without fuel sales

Credit agency

Crematorium

Curio shops

Custom work shops

Dance hall / dancing facility (see Sec. 5.13)

Day camp

Department store

Drapery shop / blind shop

Driving range

Drug sales/pharmacy

Electrical repair shop

Electrical substation

Electronic assembly/high tech manufacturing

Electroplating works

Engine repair/motor manufacturing re-manufacturing and/or repair

Exterminator service

Fair ground

Farmers market (produce market - wholesale)

Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)

Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)

Feed and grain store

Filling station (fuel tanks must be below the ground)

Florist

Food or grocery store with or without fuel sales

Food processing (no outside public consumption)

Forge (hand)

Forge (power)

Fraternal organization/civic club (private club)

Freight terminal, rail/truck (when any storage of freight is outside an enclosed building)

Freight terminal, truck (all storage of freight in an enclosed building)

Frozen food storage for individual or family use

Funeral home/mortuary

Furniture manufacture

Furniture sales (indoor)

Galvanizing works

Garden shops and greenhouses

Golf course (public or private)

Golf course (miniature)

Governmental building or use

Greenhouse (commercial)

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

Heating and air-conditioning sales / services

Heavy load (farm) vehicle sales/repair (see Sec. 5.14)

Heliport

Home repair and yard equipment retail and rental outlets

Hospital, general (acute care/chronic care)

Hospital, rehabilitation

Hotel/motel

Hotels/motels - extended stay (residence hotels)

Ice delivery stations (for storage and sale of ice at retail only)

Ice plants

Industrial laundries

Kiosk (providing a retail service)

Laboratory equipment manufacturing

Laundromat and laundry pickup stations

Laundry, commercial (w/o self-serve)

Laundry/dry cleaning (drop off/pick up)

Laundry/washateriawasheteria (self-serve)

Lawnmower sales and/or repair

Leather products manufacturing

Light manufacturing

Limousine / taxi service

Locksmith

Lumberyard (see Sec. 5.15)

Lumberyard or building material sales (see Sec. 5.15)

Machine shop

Maintenance/janitorial service

Major appliance sales (indoor)

Manufactured home sales

Manufacturing and processes

Market (public, flea)

Martial arts school

Medical supplies and equipment

Metal fabrication shop

Microbrewery (onsite manufacturing and/or sales)

Mini-warehouse/self-storage units (with or without outside boat and RV storage)

Motion picture studio, commercial film

Motion picture theater (indoors)

Motion picture theater (outdoors, drive-in)

Motorcycle dealer (primarily new / repair)

Moving storage company

Moving, transfer, or storage plant

Museum

Needlework shop

Non-bulk storage of fuel, petroleum products and liquefied petroleum

Nursing/convalescent home/sanitarium

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying or similar

Offices, health services

Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services

Outside storage (as primary use)

Park and/or playground (private)

Park and/or playground (public)

Parking lots (for passenger car only) (not as incidental to the main use)

Parking structure / public garage

Pawn shop

Personal watercraft sales (primarily new / repair)

Pet shop / supplies (10,000 sq. ft. or less)

Pet store (more than 10,000 sq. ft.)

Photo engraving plant

Photographic printing/duplicating/copy shop or printing shop

Photographic studio (no sale of cameras or supplies)

Photographic supply

Plant nursery

Plant nursery (growing for commercial purposes with retail sales on site)

Plastic products molding/reshaping

Plumbing shop

Portable building sales

Propane sales (retail)

Public recreation/services building for public park/playground areas

Publishing/printing company (e.g., newspaper)

Quick lube/oil change/minor inspection

Radio/television shop, electronics, computer repair

Rappelling facilities

Recreation buildings (private)

Recreation buildings (public)

Recycling kiosk

Refreshment/beverage stand

Research lab (non-hazardous)

Restaurant

Restaurant/prepared food sales

Retail store and shopping center

Rodeo grounds

RV park

RV/travel trailer sales

School, K-12 (public or private)

School, vocational (business/commercial trade)

Security monitoring company

Security systems installation company

Sheet metal shop

Shoe repair shops

Shooting gallery - indoor (see Sec. 5.13)

Shopping center

Sign manufacturing/painting plant

Specialty shops in support of project guests and tourists

Storage - exterior storage for boats and recreational vehicles

Storage in bulk

Studio for radio or television (with tower) (see Sec. 5.7)

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)

Tailor shop

Tattoo or body piercing studio

Taxidermist

Telemarketing agency

Telephone exchange (office and other structures)

Tennis court (commercial)

Theater (non-motion picture; live drama)

Tire sales (outdoor)

Tool rental

Transfer station (refuse/pick-up)

Travel agency

Truck or transit terminal (with outside storage)

Truck Stop

University or college (public or private)

Upholstery shop (non-auto)

Used or second-hand merchandise/furniture store

Vacuum cleaner sales and repair

Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential

Video rental / sales

Warehouse / office and storage / distribution center

Waterfront amusement facilities - berthing facilities sales and rentals

Waterfront amusement facilities - boat fuel storage / dispensing facilities

Waterfront amusement facilities - boat landing piers/launching ramps

Waterfront amusement facilities – swimming / wading pools / bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Welding shop

Wholesale sales offices and sample rooms

Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(2) Only the following manufacturing and processes are permitted when they meet the following requirements:

No use is permitted that would emit or cause radiation, dust, odor, smoke, gas or fumes objectionable to persons of ordinary sensitivity or reasonably hazardous to health, beyond the boundary property lines of the lot or tract upon which the use is located, and which do not generate noise or vibration at the boundary of the M-1A district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

Assaying works

Cooperage works

Foundries (iron, brass, bronze, aluminum).

Hides and skins (storage and curing).

Manufacture of adding machines, cash registers, typewriters, basket material, boxes, electric lamps, clay, shale and glass products, cutlery tools, bicycles, electrical machinery, tools, fiberglass products, and piping subassemblies

Metal stamping, shearing, punching, forming, cutting, cleaning, heat treating, etc.

Sheet metal shops

Welding

- (3) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.
- (b) Maximum height, minimum area and setback requirements:
 - (1) Non-residential uses.
 - (1)(ii) Height. 120 feet.
 - (2)(ii) Front building setback. 25 feet.
 - (3)(iii) Side building setback. No side building setback is required.
 - (4)(iv) Corner lots. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
 - (v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right of way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

- (5)(vi) Residential setback. Where a non-residential building abuts a one or two-family use or zoning district, the setback from the residential property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (6)(vii) Rear building setback. 20 feet.
- (7)(viii) Width of lot. 60 feet.
- (8)(ix) Lot depth. 100 feet.
- (9)(x) Parking. See Sec. 5.1 for permitted uses' parking.
- (2) Multifamily dwellings.
 - (i) Height. 45 feet; 60 feet when a pitched roof is used (minimum 4:12 slope).
 - (ii) Front building setback. 25 feet.
 - (iii) Side building setback. A side building setback of five feet shall be provided. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.
 - (iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (v) Rear building setback. 25 feet.
 - (vi) Residential setback. Effective November 8, 2006, where a multifamily dwelling abuts a one or two-family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
 - (vii) Accessory uses. Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.
 - (viii) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 72 feet.
 - (ix) Density. 24 units per acre.
 - (x) Lot area. 20,000 square feet.
 - (xi) Lot coverage. The combined area of all yards shall be at least 50 percent of the total lot or tract; provided however, that in the event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40 percent of the total lot or tract.
 - (xii) Distance between structures. There shall be a minimum of 10 feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of 20 feet between structures backing rear to rear, and a minimum of 20 feet between structures front to rear. (See Illustration 1)
 - (xiii) Minimum number of units. Five.

- (xiv) Parking. For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:
 - 1. One-bedroom apartment or unit . . . 1 1/2 spaces
 - 2. Two-bedroom apartment or unit . . . 2 spaces
 - 3. Each Additional bedroom . . . 1/2 space
 - 4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

See Section 5.1 for other permitted uses' parking.

3.4-19 "M-2A" heavy industrial district.

Purpose. The M-2A heavy industrial district is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad. The following regulations shall apply in all "M-2A" districts:

(a) Authorized uses. Uses permitted by right and by special use permit shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows

(1) Uses permitted by right.

Residential uses:

Accessory building/structure

Community home (see definition)

Multifamily (apartments/condominiums - at least five units)

Residential use in buildings with the following non-residential uses

Non-residential uses:

Accounting, auditing, bookkeeping, and tax preparations

Adult day care (no overnight stay)

Adult day care (with overnight stay)

Aircraft support and related services

Airport

All terrain vehicle (ATV) dealer / sales

Ambulance service (private)

Amphitheater

Amusement devices/arcade (four or more devices)

Amusement services or venues (indoors) (see Sec. 5.13)

Amusement services or venues (outdoors)

Animal grooming shop

Answering and message services

Antique shop

Appliance repair

Archery range

Armed services recruiting center

Art dealer / gallery

Artist or artisan's studio

Assembly/exhibition hall or areas

Athletic fields

Auction sales (non-vehicle)

Auto body repair, garages (see Sec.5.11)

Auto glass repair/tinting (see Sec.5.0)

Auto interior shop / upholstery (see Sec.5.11)

Auto leasing

Auto muffler shop (see Sec.5.11)

Auto or trailer sales rooms or yards (see Sec.5.11)

Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)

Auto paint shop

Auto repair as an accessory use to retail sales (see Sec.10)

Auto repair (general) (see Sec.10)

Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)

Automobile driving school (including defensive driving)

Bakery (retail)

Bank, savings and loan, or credit union

Bar/Tavern

Barber/beauty college (barber or cosmetology school or college)

Barber/beauty shop, haircutting (non-college)

Barns and farm equipment storage (related to agricultural uses)

Battery charging station

Bicycle sales and/or repair

Billiard / pool facility

Bio-medical facilities

Blacksmith or wagon shops

Blooming or rolling mills

Book binding

Book store

Bottling or distribution plants (milk)

Bottling works

Bowling alley/center (see Sec. 5.13)

Breweries/distilleries and manufacture of alcohol and alcoholic beverages

Broadcast station (with tower) (see Sec. 5.7)

Bus barns or lots

Bus passenger stations

Cafeteria / café / delicatessen

Campers' supplies

Canning/preserving factories

Car wash (self service; automated)

Car wash, full service (detail shop)

Carpenter, cabinet, or pattern shops

Carpet cleaning establishments

Caterer

Cemetery and/or mausoleum

Check cashing service

Chemical laboratories (e.g., ammonia, bleaching powder)

Chemical laboratories (not producing noxious fumes or odors)

Church/place of religious assembly

Cider mills

Civic/conference center and facilities

Cleaning, pressing and dyeing (non-explosive fluids used)

Club (private)

Coffee shop

Cold storage plant

Commercial amusement concessions and facilities

Communication equipment - installation and/or repair

Community building (associated with residential uses)

Computer and electronic sales

Computer repair

Concrete or asphalt mixing plants - permanent

Concrete or asphalt mixing plants - temporary

Confectionery store (retail)

Consignment shop

Contractor's office/sales, with outside storage including vehicles

Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)

Convenience store with or without fuel sales

Cotton ginning or baling works

Credit agency

Crematorium

Curio shops

Custom work shops

Dance hall / dancing facility (see Sec. 5.13)

Department store

Drapery shop / blind shop

Driving range

Drug sales/pharmacy

Electrical generating plant

Electrical repair shop

Electrical substation

Electronic assembly/high tech manufacturing

Electroplating works

Enameling works

Engine repair/motor manufacturing re-manufacturing and/or repair

Exterminator service

Fair ground

Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)

Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)

Feed and grain store

Filling station (fuel tanks must be below the ground)

Florist

Flour mills, feed mills, and grain processing

Food or grocery store with or without fuel sales

Food processing (no outside public consumption)

Forge (hand)

Forge (power)

Fraternal organization/civic club (private club)

Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)

Freight terminal, truck (all storage of freight in an enclosed building)

Frozen food storage for individual or family use

Funeral home/mortuary

Furniture manufacture

Furniture sales (indoor)

Galvanizing works

Garden shops and greenhouses

Golf course

Golf course (miniature)

Governmental building or use Grain elevator

Greenhouse (commercial)

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

Heating and air-conditioning sales / services

Heavy load (farm) vehicle sales/repair (see Sec.5.14)

Heavy manufacturing

Heliport

Hides/skins (tanning)

Home repair and yard equipment retail and rental outlets

Hospital, general (acute care/chronic care)

Hospital, rehabilitation

Hotel/motel

Hotels/motels - extended stay (residence hotels)

Ice delivery stations (for storage and sale of ice at retail only)

Ice plants

Industrial laundries

Kiosk (providing a retail service)

Laboratory equipment manufacturing

Laundromat and laundry pickup stations

Laundry, commercial (w/o self serve)

Laundry/dry cleaning (drop off/pick up)

Laundry/washateria (self serve)

Lawnmower sales and/or repair

Leather products manufacturing

Light manufacturing

Limousine / taxi service

Livestock sales/auction

Locksmith

Lumberyard (see Sec. 5.15)

Lumberyard or building material sales (see Sec. 5.15)

Machine shop

Maintenance/janitorial service

Major appliance sales (indoor)

Manufactured home sales

Manufacturing and processes

Market (public, flea)

Martial arts school

Meat or fish packing/storage plants

Medical supplies and equipment

Metal fabrication shop

Micro brewery (onsite manufacturing and/or sales)

Mini-warehouse/self storage units (no outside boat and RV storage permitted)

Mini-warehouse/self storage units with outside boat and RV storage

Motion picture studio, commercial film

Motion picture theater (indoors)

Motion picture theater (outdoors, drive-in)

Motorcycle dealer (primarily new / repair)

Moving storage company

Moving, transfer, or storage plant

Museum

Needlework shop

Non-bulk storage of fuel, petroleum products and liquefied petroleum

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying or similar

Offices, health services

Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services

Outside storage (as primary use)

Paint manufacturing

Park and/or playground (private or public)

Parking lots (for passenger car only) (not as incidental to the main use)

Parking structure / public garage

Pawn shop

Personal watercraft sales (primarily new / repair)

Pet shop / supplies (10,000 sq. ft. or less)

Pet store (more than 10,000 sq. ft.)

Photo engraving plant

Photographic printing/duplicating/copy shop or printing shop

Photographic studio (no sale of cameras or supplies)

Photographic supply

Plant nursery

Plant nursery (growing for commercial purposes with retail sales on site)

Plastic products molding/reshaping

Plumbing shop

Portable building sales

Poultry killing or dressing for commercial purposes

Propane sales (retail)

Public recreation/services building for public park/playground areas

Publishing/printing company (e.g., newspaper)

Quick lube/oil change/minor inspection

Radio/television shop, electronics, computer repair

Rappelling facilities

Recreation buildings (private)

Recreation buildings (public)

Recycling kiosk

Refreshment/beverage stand

Research lab (non-hazardous)

Restaurant

Restaurant/prepared food sales

Retail store and shopping center

Rodeo grounds

RV park

RV/travel trailer sales

Sand/gravel sales (storage or sales)

School, K-12 (public or private)

School, vocational (business/commercial trade)

Security monitoring company

Security systems installation company (with outside storage)

Sheet metal shop

Shoe repair shops

Shooting gallery - indoor (see Sec. 5.13)

Shopping center

Sign manufacturing/painting plant

Specialty shops in support of project guests and tourists

Stone/clay/glass manufacturing

Storage - interior and exterior storage for boats and recreational vehicles

Storage in bulk

Studio for radio or television (with tower) (see Sec. 5.7)

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)

Tailor shop (see home occupation)

Tattoo or body piercing studio

Taxidermist

Telemarketing agency

Telephone exchange buildings (office only)

Tennis court (commercial)

Theater (non-motion picture; live drama)

Tire sales (outdoors)

Tool rental

Transfer station (refuse/pick-up)

Travel agency

Truck or transit terminal (with outside storage)

Truck Stop

University or college (public or private)

Upholstery shop (non-auto)

Used or second hand merchandise/furniture store

Vacuum cleaner sales and repair

Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential

Video rental / sales

Warehouse / office and storage / distribution center

Waterfront amusement facilities - berthing facilities sales and rentals

Waterfront amusement facilities - boat fuel storage / dispensing facilities

Waterfront amusement facilities - boat landing piers / launching ramps

Waterfront amusement facilities – swimming / wading pools / bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Welding shop

Wholesale sales offices and sample rooms

Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein, provided that such use is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(2) Any other uses not now or hereinafter prohibited by ordinance of the City of New Braunfels regulating nuisances, except that the following uses will be permitted only by approval of the City Council after report from the Health Department, Fire Department, and Planning Commission:

Acid manufacture.

Auto wrecking yards.

Bulk storage of fuel, liquefied petroleum and flammable liquids.

Cement, lime, gypsum or plaster of Paris manufacture.

Distillation of bones.

Explosives manufacture or storage.

Fertilizer manufacture and storage.

Garbage, offal or dead animal reduction or dumping.

Gas manufacture.

Iron and steel manufacture.

Junkyards, including storage, sorting, baling or processing of rags.

Manufacture of carbon batteries.

Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.

Manufacture of rubber, glucose, or dextrin.

Monument or marble works.

Oil compounding and barreling plants.

Paper or pulp manufacture.

Petroleum or its products (refining of).

Railroad roundhouses or shops.

Rock crushers.

Smelting of tin, copper, zinc or iron ores.

Steel furnaces.

Stockyards or slaughtering.

Structural iron or pipe works.

Sugar refineries.

Tar distillation or manufacture.

Tar products.

Wire or rod mills.

Wood distillation plants (charcoal, tar, turpentine, etc.).

Wool scouring.

- (3) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.
- (b) Maximum height, minimum area and setback requirements:
 - (1) Non-residential uses.
 - (1)(ii) Height. 120 feet.
 - (2)(ii) Front building setback. 25 feet.
 - (3)(iii) Side building setback. No side building setback is required.
 - (4)(iv) Corner lots. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
 - (v) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)

- (5)(vi) Residential setback. Where a non-residential building abuts a one or two family use or zoning district, the setback from the residential property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (6)(vii) Rear building setback. 20 feet.
- (7)(viii) Width of lot. 60 feet.
- (8)(ix)-Lot depth. 100 feet.
- (9)(x) Parking. See Sec. 5.1. for permitted uses' parking.
- (2) Residential.
 - (i) Height. 45 feet, or 60 feet when a pitched roof is used (minimum 4:12 slope)
 - (ii) Front building setback. 25 feet.
 - (iii) Side building setback. A side building setback of five feet shall be provided. Buildings on corner lots shall have 15-foot building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.
 - (iv) Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
 - (v) Rear building setback. 25 feet.
 - (vi) Residential setback. Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
 - (vii) Accessory uses. Accessory uses such as swimming pools, tennis courts and playgrounds will not be permitted within any required yard.
 - (viii) Width of lot. The minimum width of an interior lot shall be 60 feet and the minimum width of a corner lot shall be 70 feet.
 - (ix) Density. 24 units per acre.
 - (x) Lot area. 20,000 square feet.
 - (xi) Lot coverage. The combined area of all yards shall be at least 50 percent of the total lot or tract; provided however, that in the

event enclosed or covered parking is provided, the minimum total yard area requirement shall be 40 percent of the total lot or tract.

(xii) Distance between structures. There shall be a minimum of 10 feet between structures side by side; a minimum of 20 feet between structures side by front or rear; a minimum of 40 feet between structures front to front; and a minimum of 20 feet between structures backing rear to rear, and a minimum of 20 feet between structures front to rear. (See Illustration 1)

(xiii) Minimum number of units. 5

(xiv) Parking.

For apartments, apartment hotel units and other multifamily dwellings, off-street parking spaces shall be provided in accord with the following schedule:

- 1. One-bedroom apartment or unit . . . 1 1/2 spaces
- 2. Two-bedroom apartment or unit . . . 2 spaces
- 3. Each Additional bedroom . . . 1/2 space
- 4. Each dwelling unit provided exclusively for low income elderly occupancy . . . 3/4 space ("Low income elderly" is defined as any person 55 years of age or older with low or moderate income, according to HUD standards.)

 See Section 5.1 for other permitted uses' parking.

4.2 Land Use Matrix.

Zoning Ordinance - effective Sept. 10, 2012

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Accessory building/structure (see Sec. 5.4)	٦	٦	٦	ס	D	ס		7	ס	ס	ס	TO	70	ס	٥	٥	ס	ס	ס	Р	ס	ס	Ъ	٦	Ъ	ס	D	70		ס ד	70	ס		ס	10	10
Accessory dwelling (one accessory dwelling per lot, no kitchen)	ס	ס	v			ס		ס	ס	ס	ס	to	TO	ס	ס	ס	ס	ס	ס						Ъ	ס	- 0			-		-		ס		
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Adult day care (no overnight stay)								ס	ס	ס	ס	to	dr							U	ס					70	ס	-	ס	ס	0	ס		ס	10	to
Adult day care (with overnight stay)			ס				_	ס	ס	ס	ס	to	†O													70	ס		ס ד	יד די	יד 	ס			10	TO
Aircraft support and related services				F. 6						ס		ס	ס														70	U							ס	ס
Airport												ס	ס														ס	U							ס	ס
All terrain vehicle (ATV) dealer / sales									ס	ס		ס	ס														ס	U	-	ס	70	ס	ס		ס	ס
Ambulance service (private)							_	ס	ס	ס		ס	ס														ס	U	_	ס	ס				ס	ס
Amphitheaters (outdoor live performances)									ס	ס	ס	ס	ס												- 1		- J	U		ס	ס	ס	ס		ס	ס
Amusement devices/arcade (four or more devices)									ס	ס	ס	ס	ס													ס	ס		ס	ס	ס	ס	ס		ס	ס
Amusement services or venues (indoors) (see Sec. 5.13)									ס	ס	ס	ס	ס														D	U	-	יד ד	ס –	ס	ס		ס	U
Amusement services or venues (outdoors)										ס	ס	ס	ס														ס	U		ס		ס	ס		ס	ס

Legend						
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Animal grooming shop	ים ס	ס	D D	Р Р	ס	ס
Answering and message services	D D	ס	О О О	ס ס ס ס	ס	ס
Antique shop	ס ס	ס"	ס ס	ס ס ס	ס	ס
Appliance repair	ъ ъ	ס	ס ס	D	ס	ס
Archery range	70	ס	70	ס	ס	ס
Armed services recruiting center		ס	О О О	ס ס ס ס	ס	ס
Art dealer / gallery	TO TO TO TO	ס	0 0 0	Р Р Р	ס	ס
Artist or artisans studio	ס ס	ס	ס ס ס	ס ס ס	ס	ס
Assembly/exhibition hall or areas	ס	ס	ס	ס ס ס	ס	ס
Assisted living facility/retirement home	TO TO TO		יי ס ס			
Athletic fields	ס	ט	ס	P P	ס	ס
Auction sales (non-vehicle)	ט	ט	ט		ס	ס
Auto body repair, garages (see Sec. 5.11)	יס יס	ס ס	ס	ס	ס	ט־
Auto glass repair/tinting (see Sec. 5.11)	ים ים	ט	ס		ס	ס
Auto interior shop / upholstery (see Sec. 5.11)	ס ס	ס	ס		70	ס

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Auto leasing			ס	ס		יד	ס												٦	ס	ס	ס	ס				٦	ס
Auto muffler shop (see Sec. 5.11)			ס	ס		٥	ס													D		٥					ס־	ס
Auto or trailer sales rooms or yards (see Sec. 5.12)			ס	ס		ס	ס													D		ס	U		3		ס	ס
Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)			ס	ס		ס	ס													7	3370	ס	٦				ס	ס
Auto paint shop		55740	ס	ס		ס	ס													ס		ס					ס	ש
Auto repair as an accessory use to retail sales			ס	ס		ס	ס		9								-717			7		ס	ס				ס	ס
Auto repair garage (general) (see Sec. 5.11)		/a_81	ס	ס		ס	ס										11.0			ס		P	D				Р	ס
Auto supply store for new & factory rebuilt parts		ס	ס	ס		ס	ס				- , -								D	D	ס	ס	ס				ס	ס
Auto tire repair /sales (indoor)			ס	ס		ס	ס												7	ס	70	v	ס				P	ס
Auto wrecking yards						11																						
Automobile driving school (including defensive driving)		ס	ס	ס		٦	٦													ס		ס	ס				ס	ס
Bakery (retail)		ס	ס	ס	ס	ס	ס												ס־	ס	ס	- ס	ס	ס	70	ס	ס	ס
Bank, savings and loan, or credit union		ס	ס	ס	ס	ס	ס												ס		ס	ס	ס	ס	P	P	ס	Ъ
Bar/Tavern (no outdoor music)		ס	ס	ס	ס	ס	ס												ס	7	ס	ס	ъ	ס	ס	ס	ס	ס
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Bottling or distribution plants (milk)	Book store	Book binding	Boarding house/lodging house	Blooming or rolling mills	Blacksmith or wagon shops	Bio-medical facilities	Bingo facility	Billiard / pool facility	Bicycle sales and/or repair	Bed and breakfast inn (see Sec. 5.6)	Battery charging station	Barns and farm equipment storage (related to agricultural uses)	Barber/beauty shop, haircutting (non-college)	Barber/beauty college (barber or cosmetology school or college)		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except	 The land use is prohibited in the zoning district indicated (Blank). 	Legend P – The land use is permitted by right in the zoning district indicated
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Types of Land Uses	Pre-1987 Zoning Districts	Post-1987	87 Zoning Districts		
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Bottling works	0	ס ס		ס	
Bowling alley/center (see Sec. 5.13)	ס	Ф Ф Ф		Ъ	ס ס ס
Breweries/distilleries and manufacture of alcohol and alcoholic beverages		ס			
Broadcast station (with tower) (see Sec. 5.7)	و	ם פ		ס	ס
Bulk storage of gasoline, petroleum products, liquefied petroleum and flammable liquids					
Bus barns or lots	ס	סי סי		סד	ס
Bus passenger stations	P	ס		ס	P P
Cabin or cottage (rental)		ס			О О
Cabin or cottage (rental for more than 30 days)		о О О			ס ס
Cafeteria / café / delicatessen	ס	О О О		ס	Р Р Р
Campers' supplies	ס ס	ס ס ס		P P	Р Р Р
Canning/preserving factories		ס			
Car wash (self service; automated)	ס	ס ס ס		ס	о О О
Car wash, full service (detail shop)	יט ט	ס ס ס		ט	ס ס
Carpenter, cabinet, or pattern shops		ס		ס	ס

Clinic (medical)	Clinic (emergency care)	Clinic (dental)	Cleaning, pressing and dyeing (non-explosive fluids used)	Civic/conference center and facilities	Cider mills	Church/place of religious assembly	Child day care/children's nursery (business)	Chemical laboratories (not producing noxious fumes or odors)	Chemical laboratories (e.g., ammonia, bleaching powder)	Check cashing service	Cemetery and/or mausoleum	Cement, lime, gypsum or plaster of paris manufacture	Caterer	Carpet cleaning establishments	1-	Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD	 The land use is prohibited in the zoning district indicated (Blank). 	P - The land use is permitted by right in the zoning district indicated	Legend
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Contractor's temporary on-site construction office	Contractor's office/sales, with outside storage including vehicles	Consignment shop	Confectionery store (retail)	Concrete or asphalt mixing plants - temporary	Concrete or asphalt mixing plants - permanent	Computer repair	Computer and electronic sales	Community home (see definition)	Community building (associated with residential uses)	Communication equipment - installation and/or repair	Commercial amusement concessions and facilities	Cold storage plant	Coffee shop	Club (private)		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD	 The land use is prohibited in the zoning district indicated (Blank). 	P - The land use is permitted by right in the zoning district indicated	Legend
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	Driving range	Drapery shop / blind shop	Dormitory (in which individual rooms are for rental)	Distillation of bones	Department store	Day camp	Dance hall / dancing facility (see Sec. 5.13)	Custom work shops	Curio shops	Crematorium	Credit agency	Country club (private)	Cotton ginning or baling works	Convenience store without gas sales	Convenience store with gas sales		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD	 The land use is prohibited in the zoning district indicated (Blank). 	P – The land use is permitted by right in the zoning district indicated.	Legend
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Farmers market (produce market - wholesale)	Family home child care	Family home adult care	Fair ground	Exterminator service	Explosives manufacture or storage	Engine repair/motor manufacturing remanufacturing and/or repair	Enameling works	Electroplating works	Electronic assembly/high tech manufacturing	Electrical substation	Electrical repair shop	Electrical generating plant	Duplex / two-family / duplex condominiums	Drug store/pharmacy		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD	 The land use is prohibited in the zoning district indicated (Blank). 	P - The land use is permitted by right in the zoning district indicated	Legend
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Freight terminal, truck (all storage of freight in an enclosed building)	Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)	Fraternal organization/civic club (private club)	Forge (power)	Forge (hand)	Food processing (no outside public consumption)	Food or grocery store without gasoline sales	Food or grocery store with gasoline sales	Flour mills, feed mills, and grain processing	Florist	Filling station (gasoline tanks must be below the ground)	Fertilizer manufacture and storage	Feed & grain store	Farms, general (livestock/ranch) (see chapter 6, municipal code & Sec. 5.9)	Farms, general (crops) (see chapter 6, municipal code & Sec. 5.9)		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except	- The land use is prohibited in the zoning district indicated (Blank).	P - The land use is permitted by right in the zoning district indicated	Legend
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nandician snop	Greenhouse (commercial)	Grain elevator	Governmental building or use with no outside storage	Golf course (miniature)	Golf course (public or private)	Gas or oil wells	Gas manufacture	Garden shops and greenhouses	Garbage, offal or dead animal reduction or dumping	Galvanizing works	Furniture sales (indoor)	Furniture manufacture	Funeral home/mortuary	Frozen food storage for individual or family use		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except	 The land use is prohibited in the zoning district indicated (Blank). 	P - The land use is permitted by right in the zoning district indicated	Legend
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Hotels/motels - extended stay (residence hotels)	Hotel/motel	Hospital, rehabilitation	Hospital, general (acute care / chronic care)	Hospice	Home repair and yard equipment retail and rental outlets	Home occupation (see Sec. 5.5)	Hides/skins (tanning)	Heliport	Heavy manufacturing	Heavy load (farm) vehicle sales/repair (see Sec. 5.14)	Heating & air-conditioning sales / services	Health club (physical fitness; indoors only)	Hay, grain, and/or feed sales (wholesale)	Hardware store		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD	 The land use is prohibited in the zoning district indicated (Blank). 	P - The land use is permitted by right in the zoning district indicated	Legend
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NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD	be made for any land use	not permitted in ar	y district, except PD.			
Types of Land Uses	Pre-1987 Zoning Districts	ds	_	Districts	-	-
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HUD code-manufactured home (see Sec. 5.8)	ס	G G G	10	ס		ס
HUD code-manufactured home subdivisions (see Sec. 5.8)				ס		ס
Ice delivery stations (for storage and sale of ice at retail only)		P P P	סי		ס	ס
Ice plants		ס	סי		סי	
Industrial laundries		ס	U		Р	
Iron and steel manufacture						
Junkyards, including storage, sorting, baling or processing of rags						
Kiosk (providing a retail service)		Р Р Р Р	ס		ס ס ס	ס ס ס
Laboratory equipment manufacturing		ס	ס		U	
Laundromat and laundry pickup stations		Р Р Р	Ū		Ф Ф Ф	ס ס
Laundry, commercial (w/o self serve)		ס ס ס	ס		ס	ס
Laundry/dry cleaning (drop off/pick up)		о О О	ס		Р Р Р	Р Р Р
Laundry/washateria (self serve)		ס ס ס	U		о о о	ס ס ס
Lawnmower sales and/or repair		Ф Ф Ф	0		Р Р Р	ס
Leather products manufacturing		ס	ס		ס	

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Manufacturing and processes	Manufactured home sales	Manufacture of rubber, glucose, or dextrin	Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.	Manufacture of carbon batteries	Major appliance sales (indoor)	Maintenance/janitorial service	Machine shop	Lumberyard or building material sales (see Sec. 5.15)	Lumberyard (see Sec. 5.15)	Lumber mill	Locksmith	Livestock sales/auction	Limousine / taxi service	Light manufacturing		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD.	 The land use is prohibited in the zoning district indicated (Blank). 	P - The land use is permitted by right in the zoning district indicated.	Legend
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Moving storage company	Motorcycle dealer (primarily new / repair)	Motion picture theater (outdoors, drive-in)	Motion picture theater (indoors)	Motion picture studio, commercial film	Monument, gravestone, or marble works (manufacture)	Mini-warehouse/self storage units with outside boat and rv storage	Mini-warehouse/self storage units (no boat and RV storage permitted)	Micro brewery (onsite mfg. and/or sales)	Metal fabrication shop	Medical supplies and equipment	Meat or fish packing/storage plants	Martial arts school	Market (public, flea)	Manufacturing processes not listed		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD	 The land use is prohibited in the zoning district indicated (Blank). 	P - The land use is permitted by right in the zoning district indicated	Legend
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NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, ex	e made for any land use not permitted in any di	strict, except PD.		
Types of Land Uses	Pre-1987 Zoning Districts	Post-1987 Zoning Districts		
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Moving, transfer, or storage plant	D D	70		ס
Multifamily (apartments/condominiums)	70 70 70 70 70 70 70	יט יט יט	ס	or or or or
Museum	TO T	ט	ס ס ס ס	ס ס ס
Natural resource extraction and mining				
Needlework shop	TO TO TO	70	Р Р Р Р	ס ס ס
Nonbulk storage of gasoline, petroleum products and liquefied petroleum	D D		ס	ס
Nursing/convalescent home/sanitarium	ط ط ط ط ط ط ط ط	P	P P P	10
Offices, brokerage services	TO T	70	Ф Ф Ф	ס ס ס
Offices, business or professional	D D D	70	о о о о	ס ס ס
Offices, computer programming and data processing	ם ם ם ם	ט	7 7 7 9	ס ס ס
Offices, consulting	ס ס ס ס	70	ס ס ס	ס ס ס
Offices, engineering, architecture, surveying or similar	о о о о	ס	о о о о	ס ס ס
Offices, health services	ס ס ס ס	טד	ק ק ק	ס ס ס
Offices, insurance agency	о о о о	υ	Р Р Р	ס ס ס
Offices, legal services - including court reporting	יים יים יים יים יים	ס	0 0 0	ס ס ס

Pet store (over 10,000 sq. ft.)	Pet shop / supplies (less than 10,000 sq. ft.)	Personal watercraft sales (primarily new / repair)	Pawn shop P	Parking structure / public garage	Parking lots (for passenger car only) (not as incidental to the main use)	Park and/or playground (private and public) P P P P P P P P	Paper or pulp manufacture	Paint manufacturing	Outside storage (as primary use)	One family dwelling, detached PPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPP	Oil compounding and barreling plants	Offices, security/commodity brokers, dealers, exchanges and financial services	Offices, real estate P	Offices, medical offices	R-1 R-2 R-3 B-1 TH ZH C-1	Types of Land Uses Pre-1987 Zoning Districts	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except	 The land use is prohibited in the zoning district indicated (Blank). 	P – The land use is permitted by right in the zoning district indicated.	Legend
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Quick lube/oil change/minor inspection	Publishing/printing company (e.g., newspaper)	Public recreation/services building for public park/playground areas	Propane sales (retail)	Poultry killing or dressing for commercial purposes	Portable building sales	Plumbing shop	Plastic products molding/reshaping	Plant nursery (retail sales/outdoor storage)	Plant nursery (no retail sales on site)	Photographic supply	Photographic studio (no sale of cameras or supplies)	Photographic printing/duplicating/copy shop or printing shop	Photo engraving plant	Petroleum or its products (refining of)		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, exc	 The land use is prohibited in the zoning district indicated (Blank). 	- The land use is permitted by right in the zoning district indicated	Legend
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Retail store & shopping center (more than 50,000 sq. ft. bldg.)	Retail store & shopping center with drive through service (50,000 sq. ft. bldg. or less)	Retail store & shopping center without drive through service (50,000 sq. ft. bldg. or less)	Restaurant with drive through service	Restaurant/prepared food sales	Residential use in buildings with non-residential uses permitted in the district	Research lab (non-hazardous)	Rental or occupancy for less than one month (see Sec. 5.17)	Refreshment/beverage stand	Recycling kiosk	Recreation buildings (public)	Recreation buildings (private)	Rappelling facilities	Railroad roundhouses or shops	Radio/television shop, electronics, computer repair		Types of Land Uses	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, exc	- The land use is prohibited in the zoning district indicated (Blank).	P - The land use is permitted by right in the zoning district indicated	Legend
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indoor (see Sec. 5.13) PPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPPP	Sexually oriented business (see Chapter 18, Code of Ordinances)																																1 1		
indoor (see Sec. 5.13)	sheet metal shop							_						ס													ס								ס
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	Shooting gallery - indoor (see Sec. 5.13)											7.1		ס													ס		ס						ס

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)	Studio for radio or television - without tower (see zoning district for tower authorization)	Structural iron or pipe works	Storage in bulk	Storage - exterior storage for boats and recreational vehicles	Stone/clay/glass manufacturing	Stockyards or slaughtering	Steel furnaces	Stables (private, accessory use) (see chapter 6, P municipal code)	Stables (as a business) (see chapter 6, municipal P code)	Specialty shops in support of project guests and tourists	Smelting of tin, copper, zinc or iron ores	Single family industrialized home (see Sec. 5.8) P P	Sign manufacturing/painting plant	Shopping center	R-1 R-2	Types of Land Uses Pre-1987 Zoning Districts	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district, except PD	 The land use is prohibited in the zoning district indicated (Blank). 	P - The land use is permitted by right in the zoning district indicated	Legend
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Travel agency	Transfer station (refuse/pick-up)	Townhouse (attached)	Tool rental	Tire sales (outdoors)	Theater (non-motion picture; live drama)	Tennis court (commercial)	Telephone exchange buildings (office only)	Telemarketing agency	Telecommunications towers/antennas (see Sec. 5.7)	Taxidermist	Tattoo or body piercing studio	Tar distillation or manufacture	Tailor shop (see home occupation)	Sugar refineries		Types of Land Uses	Ā	he la	The la	end
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University or college (public or private)				- :			Ū	ס	ס	ס	ס	ס	U						ס	ס					ס	P	о Ф	D D	ס	ס	о О	ס	P	ט ס	U
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Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9:00 p.m. and 7:00 a.m.)										ס		P -	ס							<u> </u>						ס	U						ס	ס	ט ן
Video rental / sales								ס	ס	ד	-	<u>.</u>	ס												ס	ס		ס ד	ס ס	о Р	ס	J	P	ס	ש
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Waterfront amusement facilities - swimming/wading pools/bathhouses								ס	ס		ס	ס	ס														ס		ס	ס	ס	ס		ס	ס
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	Ъ	ס	ס	ס	Ъ	ס	ס	ס	ס סי	ס		ס	ا	ت –	ا	ס	<u></u>	υ _	ס	ס	ס	ס	T	ס	¬ —	ס	ס	ס	ס־	ס	ס	ס	ס	ס	ס
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Wholesale sales offices and sample rooms								Ъ	ס	U		ס	ס														ס		ס	ס				ס	Ъ
Wire or rod mills																																			
Wood distillation plants (charcoal, tar, turpentine, etc.)																																		-	
Woodworking shop (ornamental)							ס	ס		υ 	υ _	ס	ס												93	ס	ס	ס	ס	ס				ָ ס	ס
Wool scouring																																			
Zero lot line / patio homes						ס			_	-																ס							ס		

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Draft Minutes for the May 7, 2019 Planning Commission Regular Meeting

ORD19-111 Public hearing and recommendation to City Council regarding amendments to the Code of Ordinances, Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18 M-1A Light Industrial, Section 3.4-19, M-2A, Heavy Industrial, and Section 4.2, Land Use Matrix.

(Applicant: City of New Braunfels; Case Manager: J. Drew)

Mrs. Drew presented the proposed amendments to the Code of Ordinances, Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18 M-1A Light Industrial, Section 3.4-19, M-2A, Heavy Industrial, and Section 4.2, Land Use Matrix. She described the proposed implementation and timeline.

Commission Gibson inquired about the grandfathering process.

Discussion followed regarding Chapter 245 of the Local Government Code and vested rights determination.

Commissioner Laskowski inquired about sections of the ordinance remaining.

Discussion followed.

Vice Chair Reaves stated the distribution of the proposed amendments to the stakeholders brought forward questions and concerns. He stated more information should be provided to address the questions and concerns.

Commissioner Meyer expressed an understanding of the need for the proposed amendments and the concerns expressed by stakeholders and Commissioner Gibson.

Vice Chair Reaves asked if anyone wished to speak in favor.

No one spoke.

Vice Chair Reaves asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Meyer, seconded by Commissioner Laskowski, to close the public hearing. Motion carried (8-0-0).

Motion by Commissioner Meyer, seconded by Commissioner Tubb, to recommend approval to City Council regarding the proposed amendments to the Code of Ordinances, Chapter 144, Zoning, Section 3.3-11, M-1 Light Industrial, Section 3.3-12, M-2 Heavy Industrial, Section 3.4-18 M-1A Light Industrial, Section 3.4-19, M-2A, Heavy Industrial, and Section 4.2, Land Use Matrix, with Staff recommendations.

Commissioner Gibson requested more information regarding Chapter 245 of the Local Government Code and the feedback provided by developers.

Discussion followed regarding Chapter 245 of the Local Government Code and the vested rights determination process.

Commissioner Gibson expressed concern and requested more time to review Chapter 245 of the Local Government Code and the feedback provided by developers.

Discussion followed.

Motion carried with Commissioner Gibson in opposition (7-1-0).

Ordinance 2019-__

AN ORDINANCE OF THE CITY COUNCIL CITY OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144, ZONING, SECTION 3.3-11, M-1 LIGHT INDUSTRIAL, SECTION 3.3-12, M-2 HEAVY INDUSTRIAL, SECTION 3.4-18 M-1A LIGHT INDUSTRIAL, SECTION 3.4-19, M-2A, HEAVY INDUSTRIAL, AND SECTION 4.2, LAND USE MATRIX; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels, Texas, finds it necessary to establish rules and regulations governing the use of land in the city limits; and

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the Planning Commission held a public hearing on May 7, 2019 and recommends approval of amendments to remove residential as an allowed use in the M-1, M-2, M1-A and M-2A industrial zoning districts, and update the Land Use Matrix to reflect these revisions; and

WHEREAS, the City Council finds that adopting updated regulations for industrial zoning districts protects the tax base, provides enhanced opportunities for economic development and better protects residential properties, which is in the best interest of the citizens of New Braunfels; **now therefore**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT Chapter 144, Zoning, Section 3.3-11 M-1, Light Industrial, is hereby amended as shown below:

3.3-11. "M-1" light industrial district. The following regulations shall apply in all "M-1" districts:

(a) Authorized uses. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows:

(1) Uses permitted by right.

Accounting, auditing, bookkeeping, and tax preparations

Aircraft support and related services

Airport

All terrain vehicle (ATV) dealer / sales

Ambulance service (private)

Amphitheater

Amusement devices/arcade (four or more devices)

Amusement services or venues (indoors) (see Sec. 5.13)

Amusement services or venues (outdoors)

Animal grooming shop

Answering and message services

Antique shop

Appliance repair

Archery range

Armed services recruiting center

Art dealer / gallery

Artist or artisan's studio

Assembly/exhibition hall or areas

Athletic fields

Auction sales (non-vehicle)

Auto body repair, garages (see Sec. 5.11)

Auto glass repair/tinting (see Sec. 5.11)

Auto interior shop / upholstery (see Sec. 5.11)

Auto leasing

Auto muffler shop

Auto or trailer sales rooms or yards (see Sec. 5.12)

Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)

Auto paint shop (see Sec. 5.11)

Auto repair as an accessory use to retail sales (see Sec. 5.11)

Auto repair garage (general) (see Sec. 5.11)

Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)

Automobile driving school (including defensive driving)

Bakery (retail)

Bank, savings and loan, or credit union

Bar/Tavern

Barber/beauty college (barber or cosmetology school or college)

Barber/beauty shop, haircutting (non-college)

Barns and farm equipment storage (related to agricultural uses)

Battery charging station

Bicycle sales and/or repair

Billiard / pool facility

Bingo facility

Bio-medical facilities

Blacksmith or wagon shops

Book binding

Book store

Bottling or distribution plants (milk)

Bottling works

Bowling alley/center (see Sec. 5.13)

Broadcast station (with tower) (see Sec. 5.7)

Bus barns or lots

Bus passenger stations

Cafeteria / café / delicatessen

Campers' supplies

Car wash (self service; automated)

Car wash, full service (detail shop)

Carpenter, cabinet, or pattern shops

Carpet cleaning establishments

Caterer

Cemetery and/or mausoleum

Check cashing service

Chemical laboratories (not producing noxious fumes or odors)

Child day care/children's nursery (business)

Church/place of religious assembly

Civic/conference center and facilities

Cleaning, pressing and dyeing (non-explosive fluids used)

Clinic (dental)

Clinic (emergency care)

Clinic (medical)

Club (private)

Coffee shop

Cold storage plant

Commercial amusement concessions and facilities

Communication equipment (installation and/or repair)

Community building (associated with residential uses)

Computer and electronic sales

Computer repair

Confectionery store (retail)

Consignment shop

Contractor's office/sales, with outside storage including vehicles

Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)

Convenience store with or without fuel sales

Country club (private)

Credit agency

Curio shops

Custom work shops

Dance hall / dancing facility

Day camp

Department store

Drapery shop / blind shop

Driving range

Drug sales/pharmacy

Electrical repair shop

Electrical substation

Electronic assembly/high tech manufacturing

Electroplating works

Engine repair/motor manufacturing re-manufacturing and/or repair

Exterminator service (with outside storage)

Fair ground

Farmers market (produce market - wholesale)

Farms, general (crops) (see Chapter 6, Municipal Code)

Farms, general (livestock/ranch) (see Chapter 6, Municipal Code)

Feed and grain store

Filling station (fuel tanks must be below the ground)

Florist

Flour mills, feed mills, and grain processing

Food or grocery store with or without fuel sales

Food processing (no outside public consumption)

Forge (hand)

Forge (power)

Fraternal organization/civic club (private club)

Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)

Freight terminal, truck (all storage of freight in an enclosed building)

Frozen food storage for individual or family use

Funeral home/mortuary

Furniture manufacture

Furniture sales (indoor)

Galvanizing works

Garden shops and greenhouses

Golf course (miniature)

Golf course, public or private

Grain elevator

Greenhouse (commercial)

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

Heating and air-conditioning sales / services

Heavy load (farm) vehicle sales/repair (see Sec. 5.14)

Heliport

Home repair and yard equipment retail and rental outlets

Hospital, general (acute care/chronic care)

Hospital, rehabilitation

Hotel/motel

Ice delivery stations (for storage and sale of ice at retail only)

Ice plants

Industrial laundries

Kiosk (providing a retail service)

Laboratory equipment manufacturing

Laundromat and laundry pickup stations

Laundry, commercial (w/o self serve)

Laundry/dry cleaning (drop off/pick up)

Laundry/washateria (self serve)

Lawnmower sales and/or repair

Leather products manufacturing

Light manufacturing

Limousine / taxi service

Locksmith

Lumberyard (see Sec. 5.15)

Lumberyard or building material sales (see Sec. 5.15)

Machine shop

Maintenance/janitorial service

Major appliance sales (indoor)

Manufactured home sales

Manufacturing and processes

Market (public, flea)

Martial arts school

Medical supplies and equipment

Metal fabrication shop

Micro brewery (onsite manufacturing and/or sales)

Mini-warehouse/self storage units (no outside boat and RV storage permitted)

Mini-warehouse/self-storage units (with outside boat and RV storage permitted)

Motion picture studio, commercial film

Motion picture theater (indoors)

Motion picture theater (outdoors, drive-in)

Motorcycle dealer (primarily new / repair)

Moving storage company

Moving, transfer, or storage plant

Museum

Needlework shop

Non-bulk storage of fuel, petroleum products and liquefied petroleum

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying or similar

Offices, health services

Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services

Outside storage (as primary use)

Park and/or playground (public or private)

Parking lots (for passenger car only) (not as incidental to the main use)

Parking structure/public garage

Pawn shop

Personal watercraft sales (primarily new / repair)

Pet shop / supplies (10,000 sq. ft. or less)

Pet store (more than 10,000 sq. ft.)

Photo engraving plant

Photographic printing/duplicating/copy shop or printing shop

Photographic studio (no sale of cameras or supplies)

Photographic supply

Plant nursery (no retail sales on site)

Plant nursery (growing for commercial purposes with retail sales on site)

Plastic products molding/reshaping

Plumbing shop

Portable building sales

Poultry killing or dressing for commercial purposes

Propane sales (retail)

Public recreation/services building for public park/playground areas

Publishing/printing company (e.g., newspaper)

Quick lube/oil change/minor inspection

Radio/television shop, electronics, computer repair

Recreation buildings (public or private)

Recycling kiosk

Refreshment/beverage stand

Research lab (non-hazardous)

Restaurant with drive through service

Restaurant/prepared food sales

Retail store and shopping center

Rodeo grounds

RV/Travel Trailer Sales

School, K-12 (public or private)

School, vocational (business/commercial trade)

Security monitoring company (no outside storage or installation)

Security systems installation company (with outside storage)

Sheet metal shop

Shoe repair shops

Shooting gallery - indoor (see Sec. 5.13)

Sign manufacturing/painting plant

Stone/clay/glass manufacturing

Storage - exterior storage for boats and recreational vehicles

Storage in bulk

Studio for radio or television (with tower) (see Sec. 5.7)

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)

Tailor shop

Tattoo or body piercing studio

Taxidermist

Telemarketing agency

Telephone exchange buildings (office only)

Tennis court (commercial)

Theater (non-motion picture; live drama)

Tire sales (outdoors)

Tool rental

Transfer station (refuse/pick-up)

Travel agency

Truck or transit terminal

Truck Stop

University or college (public or private)

Upholstery shop (non-auto)

Used or second hand merchandise/furniture store

Vacuum cleaner sales and repair

Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential

Video rental / sales

Warehouse / office and storage / distribution center

Waterfront amusement facilities - berthing facilities sales and rentals

Waterfront amusement facilities - boat fuel storage / dispensing facilities

Waterfront amusement facilities - boat landing piers / launching ramps

Waterfront amusement facilities – swimming / wading pools / bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Welding shop

Wholesale sales offices and sample rooms

Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(2) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

- (b) Maximum height, minimum area and setback requirements:
 - (1) Height. 120 feet.
 - (2) Front building setback. 25 feet.

- (3) Side building setback. No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in a "R" or "B-1" zone, a side building setback of not less than six feet shall be provided.
- (4) Rear building setback. 20 feet.
- (5) Residential setback. Effective November 8, 2006, where a non-residential building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (6) Width of lot. The minimum width of a lot shall be 60 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirement will not prohibit the construction of a use enumerated in this district.
- (7) Corner lots. A minimum 25-foot front yard setback and side building setback adjacent to streets shall be required on all corner lots. A canopy at least six feet in height, attached to the main building, may be built within 15 feet of the street line so long as such construction is not supported by columns which will obstruct the vision of vehicles driving upon adjacent streets.
- (8) Lot depth. 100 feet.

Section 2

THAT Chapter 144, Zoning, Section 3.3-12 M-2, Heavy Industrial, is hereby amended as shown below:

- 3.3-12. "M-2" heavy industrial district. The following regulations shall apply in all "M-2" districts:
- (a) Authorized uses. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows:
 - (1) Uses permitted by right.

Accounting, auditing, bookkeeping, and tax preparations

Aircraft support and related services

Airport

All terrain vehicle (ATV) dealer / sales

Ambulance service (private)

Amphitheater

Amusement devices/arcade (four or more devices)

Amusement services or venues (indoors) (see Sec. 5.13)

Amusement services or venues (outdoors)

Animal grooming shop

Answering and message services

Antique shop

Appliance repair

Archery range

Armed services recruiting center

Art dealer / gallery

Artist or artisan's studio

Assembly/exhibition hall or areas

Athletic fields

Auction sales (non-vehicle)

Auto body repair, garages (see Sec. 5.11)

Auto glass repair/tinting (see Sec. 5.11)

Auto interior shop / upholstery (see Sec. 5.11)

Auto leasing

Auto muffler shop (see Sec. 5.11)

Auto or trailer sales rooms or yards(see Sec. 5.11)

Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)

Auto paint shop (see Sec. 5.11)

Auto repair as an accessory use to retail sales (see Sec. 5.11)

Auto repair garage (general) (see Sec. 5.11)

Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)

Automobile driving school (including defensive driving)

Bakery (retail)

Bank, savings and loan, or credit union

Bar/Tavern

Barber/beauty college (barber or cosmetology school or college)

Barber/beauty shop, haircutting (non-college)

Barns and farm equipment storage (related to agricultural uses)

Battery charging station

Bicycle sales and/or repair

Billiard / pool facility

Bingo facility

Bio-medical facilities

Blacksmith or wagon shops

Blooming or rolling mills

Book binding

Book store

Bottling or distribution plants (milk)

Bottling works

Bowling alley/center (see Sec. 5.13)

Breweries/distilleries and manufacture of alcohol and alcoholic beverages

Broadcast station (with tower) (see Sec. 5.7)

Bus barns or lots

Bus passenger stations

Cafeteria / café / delicatessen

Campers' supplies

Canning/preserving factories

Car wash (self service; automated)

Car wash, full service (detail shop)

Carpenter, cabinet, or pattern shops

Carpet cleaning establishments

Caterer

Cemetery and/or mausoleum

Check cashing service

Chemical laboratories (e.g., ammonia, bleaching powder)

Chemical laboratories (not producing noxious fumes or odors)

Child day care/children's nursery (business)

Church/place of religious assembly

Cider mills

Civic/conference center and facilities

Cleaning, pressing and dyeing (non-explosive fluids used)

Clinic (dental)

Clinic (emergency care)

Clinic (medical)

Club (private)

Coffee shop

Cold storage plant

Commercial amusement concessions and facilities

Communication equipment (installation and/or repair)

Community building (associated with residential uses)

Computer and electronic sales

Computer repair

Concrete or asphalt mixing plants - permanent

Concrete or asphalt mixing plants – temporary

Confectionery store (retail)

Consignment shop

Contractor's office/sales, with outside storage including vehicles

Contractor's temporary on-site construction office (only with permit from Building Official; see Sec.

5.10

Convenience store with or without fuel sales

Cotton ginning or baling works

Country club (private)

Credit agency

Curio shops

Custom work shops

Dance hall / dancing facility

Day camp

Department store

Drapery shop / blind shop

Driving range

Drug sales/pharmacy

Electrical generating plant

Electrical repair shop

Electrical substation

Electronic assembly/high tech manufacturing

Electroplating works

Enameling works

Engine repair/motor manufacturing re-manufacturing and/or repair

Exterminator service

Fair ground

Farmers market (produce market - wholesale)

Farms, general (crops) (see Chapter 6, Municipal Code)

Farms, general (livestock/ranch) (see Chapter 6, Municipal Code)

Feed and grain store

Filling station (fuel tanks must be below the ground)

Florist

Flour mills, feed mills, and grain processing

Food or grocery store with or without fuel sales

Food processing (no outside public consumption)

Forge (hand)

Forge (power)

Fraternal organization/civic club (private club)

Freight terminal, rail/truck (when any storage of freight is outside an enclosed building)

Freight terminal, truck (all storage of freight in an enclosed building)

Frozen food storage for individual or family use

Funeral home/mortuary

Furniture manufacture

Furniture sales (indoor)

Galvanizing works

Garden shops and greenhouses

Golf course (miniature)

Golf course, public or private

Governmental building or use

Grain elevator

Greenhouse (commercial)

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

Heating and air-conditioning sales / services

Heavy load (farm) vehicle sales/repair (see Sec. 5.14)

Heavy manufacturing

Heliport

Hides/skins (tanning)

Home repair and yard equipment retail and rental outlets

Hospital, general (acute care/chronic care)

Hospital, rehabilitation

Hotel/motel

Ice delivery stations (for storage and sale of ice at retail only)

Ice plants

Industrial laundries

Kiosk (providing a retail service)

Laboratory equipment manufacturing

Laundromat and laundry pickup stations

Laundry, commercial (w/o self serve)

Laundry/dry cleaning (drop off/pick up)

Laundry/washateria (self serve)

Lawnmower sales and/or repair

Leather products manufacturing

Light manufacturing

Limousine / taxi service

Livestock sale and auction

Locksmith

Lumber mill

Lumberyard (see Sec. 5.15)

Lumberyard or building material sales

Machine shop

Maintenance/janitorial service

Major appliance sales (indoor)

Manufactured home sales

Manufacturing and processes

Market (public, flea)

Martial arts school

Meat or fish packing/storage plants

Medical supplies and equipment

Metal fabrication shop

Micro brewery (onsite mfg. and/or sales)

Mini-warehouse/self storage units (no outside boat and RV storage permitted)

Mini-warehouse/self storage units (with outside storage permitted)

Motion picture studio, commercial film

Motion picture theater (indoors)

Motion picture theatre (outdoors, drive-in)

Motorcycle dealer (primarily new / repair)

Moving storage company

Moving, transfer, or storage plant

Museum

Needlework shop

Non-bulk storage of fuel, petroleum products and liquefied petroleum

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying or similar

Offices, health services Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services

Outside storage (as primary use)

Paint manufacturing

Park and/or playground (private or public)

Parking lots (for passenger car only) (not as incidental to the main use)

Parking structure/public garage

Pawn shop

Personal watercraft sales (primarily new / repair)

Pet shop / supplies (10,000 sq. ft. or less)

Pet store (more than 10,000 sq. ft.)

Photo engraving plant

Photographic printing/duplicating/copy shop or printing shop

Photographic studio (no sale of cameras or supplies)

Photographic supply

Plant nursery (growing for commercial purposes but no retail sales on site)

Plant nursery (retail sales / outdoor storage)

Plastic products molding/reshaping

Plumbing shop

Portable building sales

Poultry killing or dressing for commercial purposes

Propane sales (retail)

Public recreation/services building for public park/playground areas

Publishing/printing company (e.g., newspaper)

Quick lube/oil change/minor inspection

Radio/television shop, electronics, computer repair

Recreation buildings (public or private)

Recycling kiosk

Refreshment/beverage stand

Research lab (non-hazardous)

Restaurant with drive-through

Restaurant/prepared food sales

Retail store and shopping center

Rodeo grounds

RV/travel trailer sales

Sand/gravel sales (storage or sales)

School, K-12 (public or private)

School, vocational (business/commercial trade)

Security monitoring company

Security systems installation company (with outside storage)

Sheet metal shop

Shoe repair shops

Shooting gallery - indoor (see Sec. 5.13)

Sign manufacturing/painting plant

Stone/clay/glass manufacturing

Storage - exterior storage for boats and recreational vehicles

Storage in bulk

Studio for radio or television (without tower)

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)

Tailor shop

Tattoo or body piercing studio

Taxidermist

Telemarketing agency

Telephone exchange buildings (office only)

Tennis court (commercial)

Theater (non-motion picture; live drama)

Tire sales (outdoors)

Tool rental

Transfer station (refuse/pick-up)

Travel agency

Truck or transit terminal

Truck Stop

University or college (public or private)

Upholstery shop (non-auto)

Used or second hand merchandise/furniture store

Vacuum cleaner sales and repair

Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential

Video rental / sales

Warehouse / office and storage / distribution center

Waterfront amusement facilities - berthing facilities sales and rentals

Waterfront amusement facilities - boat fuel storage / dispensing facilities

Waterfront amusement facilities - boat landing piers / launching ramps

Waterfront amusement facilities – swimming / wading pools / bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Welding shop

Wholesale sales offices and sample rooms

Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein.

(2) Any other uses not now or hereinafter prohibited by ordinance of the City of New Braunfels regulating nuisances, except that the following uses will be permitted only by approval of the City Council after report from the Health Department, Fire Department, and the Planning Commission:

Acid manufacture.

Auto wrecking yards.

Bulk storage of fuel, liquefied petroleum and flammable liquids.

Cement, lime, gypsum or plaster of Paris manufacture.

Distillation of bones.

Explosives manufacture or storage.

Fertilizer manufacture and storage.

Garbage, offal or dead animal reduction or dumping.

Gas manufacture.

Iron and steel manufacture.

Junkyards, including storage, sorting, baling or processing of rags.

Manufacture of carbon batteries.

Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.

Manufacture of rubber, glucose, or dextrin.

Monument or marble works.

Oil compounding and barreling plants.

Paper or pulp manufacture.

Petroleum or its products (refining of).

Railroad roundhouses or shops.

Rock crushers.

Smelting of tin, copper, zinc or iron ores.

Steel furnaces.

Stockyards or slaughtering.

Structural iron or pipe works.

Sugar refineries.

Tar distillation or manufacture.

Tar products.

Wire or rod mills.

Wood distillation plants (charcoal, tar, turpentine, etc.).

Wool scouring.

- (3) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.
- (b) Maximum height, minimum area and setback requirements:
 - (1) Height. 120 feet.
 - (2) Front building setback. 25 feet.
 - (3)) Side building setbacks. No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in a "R" or "B-1" zone, a side building setback of not less than six feet shall be provided.
 - (4) Rear building setback. 20 feet.
 - (5) Residential setback. Effective November 8, 2006, where a non-residential building abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
 - (6) Width of lot. The minimum width of a lot shall be 60 feet, provided that where a lot has less width than required and such lot was in separate ownership prior to February 4, 1984, this requirement will not prohibit the construction of a use enumerated in this district.
 - (7) Corner lots. A minimum 25-foot front yard setback and side building setback adjacent to streets shall be required on all corner lots. A canopy at least six feet in height, attached to the main building, may be built within 15 feet of the street line so long as such construction is not supported by columns which will obstruct the vision of vehicles driving upon adjacent streets.
 - (8) Lot depth. The depth of the lot shall be at least 100 feet.
 - (9) Parking. See Sec. 5.1 for permitted uses parking.

SECTION 3

THAT Chapter 144, Zoning, Section 3.4-18, M-1A, Light Industrial, is hereby amended

as shown below:

3.4-18 "M-1A" light industrial district.

Purpose. The M-1A light industrial district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, distribution, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation. The following regulations shall apply in all "M-1A" districts:

- (a) Authorized uses. Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows
 - (1) Uses permitted by right.

Accounting, auditing, bookkeeping, and tax preparations

)

Aircraft support and related services

Airport

All terrain vehicle (ATV) Dealer / Sales

Ambulance service (private)

Amphitheater

Amusement devices/arcade (four or more devices)

Amusement services or venues (indoors) (see Sec. 5.13)

Amusement services or venues (outdoors)

Animal grooming shop

Answering and message services

Antique shop

Appliance repair

Archery range

Armed services recruiting center

Art dealer / gallery

Artist or artisan's studio

Assembly/exhibition hall or areas

Athletic fields

Auction sales (non-vehicle)

Auto body repair, garages (see Sec. 5.11)

Auto glass repair/tinting (see Sec. 5.11)

Auto interior shop / upholstery (see Sec. 5.11)

Auto leasing

Auto muffler shop (see Sec. 5.11)

Auto or trailer sales rooms or yards (see Sec. 5.12)

Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)

Auto paint shop

Auto repair as an accessory use to retail sales

Auto repair garage (general) (see Sec. 5.11)

Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)

Automobile driving school (including defensive driving)

Bakery (retail)

Bank, savings and loan, or credit union

Bar/Tavern

Barber/beauty college (barber or cosmetology school or college)

Barber/beauty shop, haircutting (non-college)

Barns and farm equipment storage (related to agricultural uses)

Battery charging station

Bicycle sales and/or repair

Billiard / pool facility

Bio-medical facilities

Blacksmith or wagon shops

Book binding

Book store

Bottling or distribution plants (milk)

Bottling works

Bowling alley/center (see Sec. 5.13)

Broadcast station (with tower) (see Sec. 5.7)

Bus barns or lots

Bus passenger stations

Cafeteria / café / delicatessen

Campers' supplies

Car wash (self-service; automated)

Car wash, full service (detail shop)

Carpenter, cabinet, or pattern shops

Carpet cleaning establishments

Caterer

Cemetery and/or mausoleum

Check cashing service

Chemical laboratories (not producing noxious fumes or odors)

Church/place of religious assembly

Civic/conference center and facilities

Cleaning, pressing and dyeing (non-explosive fluids used)

Clinic (dental)

Clinic (emergency care)

Clinic (medical)

Club (private)

Coffee shop

Cold storage plant

Commercial amusement concessions and facilities

Communication equipment - installation and/or repair

Community building (associated with residential use)

Computer and electronic sales

Computer repair

Confectionery store (retail)

Consignment shop

Contractor's office/sales, with outside storage including vehicles

Contractor's temporary on-site construction office (with permit from Building Official; Sec. 5.10)

Convenience store with or without fuel sales

Credit agency

Crematorium

Curio shops

Custom work shops

Dance hall / dancing facility (see Sec. 5.13)

Day camp

Department store

Drapery shop / blind shop

Driving range

Drug sales/pharmacy

Electrical repair shop

Electrical substation

Electronic assembly/high tech manufacturing

Electroplating works

Engine repair/motor manufacturing re-manufacturing and/or repair

Exterminator service

Fair ground

Farmers market (produce market - wholesale)

Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)

Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)

Feed and grain store

Filling station (fuel tanks must be below the ground)

Florist

Food or grocery store with or without fuel sales

Food processing (no outside public consumption)

Forge (hand)

Forge (power)

Fraternal organization/civic club (private club)

Freight terminal, rail/truck (when any storage of freight is outside an enclosed building)

Freight terminal, truck (all storage of freight in an enclosed building)

Frozen food storage for individual or family use

Funeral home/mortuary

Furniture manufacture

Furniture sales (indoor)

Galvanizing works

Garden shops and greenhouses

Golf course (public or private)

Golf course (miniature)

Governmental building or use

Greenhouse (commercial)

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

Heating and air-conditioning sales / services

Heavy load (farm) vehicle sales/repair (see Sec. 5.14)

Heliport

Home repair and yard equipment retail and rental outlets

Hospital, general (acute care/chronic care)

Hospital, rehabilitation

Hotel/motel

Ice delivery stations (for storage and sale of ice at retail only)

Ice plants

Industrial laundries

Kiosk (providing a retail service)

Laboratory equipment manufacturing

Laundromat and laundry pickup stations

Laundry, commercial (w/o self-serve)

Laundry/dry cleaning (drop off/pick up)

Laundry/washateria (self-serve)

Lawnmower sales and/or repair

Leather products manufacturing

Light manufacturing

Limousine / taxi service

Locksmith

Lumberyard (see Sec. 5.15)

Lumberyard or building material sales (see Sec. 5.15)

Machine shop

Maintenance/janitorial service

Major appliance sales (indoor)

Manufactured home sales

Manufacturing and processes

Market (public, flea)

Martial arts school

Medical supplies and equipment

Metal fabrication shop

Microbrewery (onsite manufacturing and/or sales)

Mini-warehouse/self-storage units (with or without outside boat and RV storage)

Motion picture studio, commercial film

Motion picture theater (indoors)

Motion picture theater (outdoors, drive-in)

Motorcycle dealer (primarily new / repair)

Moving storage company

Moving, transfer, or storage plant

Museum

Needlework shop

Non-bulk storage of fuel, petroleum products and liquefied petroleum

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying or similar

Offices, health services

Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services

Outside storage (as primary use)

Park and/or playground (private)

Park and/or playground (public)

Parking lots (for passenger car only) (not as incidental to the main use)

Parking structure / public garage

Pawn shop

Personal watercraft sales (primarily new / repair)

Pet shop / supplies (10,000 sq. ft. or less)

Pet store (more than 10,000 sq. ft.)

Photo engraving plant

Photographic printing/duplicating/copy shop or printing shop

Photographic studio (no sale of cameras or supplies)

Photographic supply

Plant nursery

Plant nursery (growing for commercial purposes with retail sales on site)

Plastic products molding/reshaping

Plumbing shop

Portable building sales

Propane sales (retail)

Public recreation/services building for public park/playground areas

Publishing/printing company (e.g., newspaper)

Quick lube/oil change/minor inspection

Radio/television shop, electronics, computer repair

Rappelling facilities

Recreation buildings (private)

Recreation buildings (public)

Recycling kiosk

Refreshment/beverage stand

Research lab (non-hazardous)

Restaurant

Restaurant/prepared food sales

Retail store and shopping center

Rodeo grounds

RV/travel trailer sales

School, K-12 (public or private)

School, vocational (business/commercial trade)

Security monitoring company

Security systems installation company

Sheet metal shop

Shoe repair shops

Shooting gallery - indoor (see Sec. 5.13)

Shopping center

Sign manufacturing/painting plant

Specialty shops in support of project guests and tourists

Storage - exterior storage for boats and recreational vehicles

Storage in bulk

Studio for radio or television (with tower) (see Sec. 5.7)

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)

Tailor shop

Tattoo or body piercing studio

Taxidermist

Telemarketing agency

Telephone exchange (office and other structures)

Tennis court (commercial)

Theater (non-motion picture; live drama)

Tire sales (outdoor)

Tool rental

Transfer station (refuse/pick-up)

Travel agency

Truck or transit terminal (with outside storage)

Truck Stop

University or college (public or private)

Upholstery shop (non-auto)

Used or second-hand merchandise/furniture store

Vacuum cleaner sales and repair

Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential

Video rental / sales

Warehouse / office and storage / distribution center

Waterfront amusement facilities - berthing facilities sales and rentals

Waterfront amusement facilities - boat fuel storage / dispensing facilities

Waterfront amusement facilities - boat landing piers/launching ramps

Waterfront amusement facilities - swimming / wading pools / bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Welding shop

Wholesale sales offices and sample rooms

Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein, provided that such use is not noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(2) Only the following manufacturing and processes are permitted when they meet the following requirements:

No use is permitted that would emit or cause radiation, dust, odor, smoke, gas or fumes objectionable to persons of ordinary sensitivity or reasonably hazardous to health, beyond the boundary property lines of the lot or tract upon which the use is located, and which do not generate noise or vibration at the boundary of the M-1A district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

Assaying works

Cooperage works

Foundries (iron, brass, bronze, aluminum).

Hides and skins (storage and curing).

Manufacture of adding machines, cash registers, typewriters, basket material, boxes, electric lamps, clay, shale and glass products, cutlery tools, bicycles, electrical machinery, tools, fiberglass products, and piping subassemblies

Metal stamping, shearing, punching, forming, cutting, cleaning, heat treating, etc.

Sheet metal shops

Welding

- (3) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.
- (b) Maximum height, minimum area and setback requirements:
 - (1) Height. 120 feet.
 - (2)) Front building setback. 25 feet.
 - (3) Side building setback. No side building setback is required.
 - (4) Corner lots. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
 - (5) Residential setback. Where a non-residential building abuts a one or two-family use or zoning district, the setback from the residential property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
 - (6) Rear building setback. 20 feet.
 - (7) Width of lot. 60 feet.
 - (8) Lot depth. 100 feet.
 - (9) Parking. See Sec. 5.1 for permitted uses' parking.

(2)

SECTION 4

THAT Chapter 144, Zoning, Section 3.4-19, M-2A, Heavy Industrial, is hereby amended

as shown below:

3.4-19 "M-2A" heavy industrial district.

Purpose. The M-2A heavy industrial district is intended primarily for the conduct of heavy manufacturing, assembling and fabrication activities that do not typically depend upon frequent customer or client visits. Such uses generally require accessibility to major thoroughfares, major highways, and/or other means of transportation such as the railroad. The following regulations shall apply in all "M-2A" districts:

- (a) Authorized uses. Uses permitted by right and by special use permit shall be those set forth in the Land Use Matrix in Section 4 of this Chapter. The allowed uses in the district, which are intended to be identical with those listed in the Land Use Matrix, are as follows
 - (1) Uses permitted by right.

Accounting, auditing, bookkeeping, and tax preparations

Aircraft support and related services

Airport

All terrain vehicle (ATV) dealer / sales

Ambulance service (private)

Amphitheater

Amusement devices/arcade (four or more devices)

Amusement services or venues (indoors) (see Sec. 5.13)

Amusement services or venues (outdoors)

Animal grooming shop

Answering and message services

Antique shop

Appliance repair

Archery range

Armed services recruiting center

Art dealer / gallery

Artist or artisan's studio

Assembly/exhibition hall or areas

Athletic fields

Auction sales (non-vehicle)

Auto body repair, garages (see Sec.5.11)

Auto glass repair/tinting (see Sec.5.0)

Auto interior shop / upholstery (see Sec.5.11)

Auto leasing

Auto muffler shop (see Sec.5.11)

Auto or trailer sales rooms or yards (see Sec.5.11)

Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)

Auto paint shop

Auto repair as an accessory use to retail sales (see Sec.10)

Auto repair (general) (see Sec.10)

Auto supply store for new and factory rebuilt parts

Auto tire repair /sales (indoor)

Automobile driving school (including defensive driving)

Bakery (retail)

Bank, savings and loan, or credit union

Bar/Tavern

Barber/beauty college (barber or cosmetology school or college)

Barber/beauty shop, haircutting (non-college)

Barns and farm equipment storage (related to agricultural uses)

Battery charging station

Bicycle sales and/or repair

Billiard / pool facility

Bio-medical facilities

Blacksmith or wagon shops

Blooming or rolling mills

Book binding

Book store

Bottling or distribution plants (milk)

Bottling works

Bowling alley/center (see Sec. 5.13)

Breweries/distilleries and manufacture of alcohol and alcoholic beverages

Broadcast station (with tower) (see Sec. 5.7)

Bus barns or lots

Bus passenger stations

Cafeteria / café / delicatessen

Campers' supplies

Canning/preserving factories

Car wash (self service; automated)

Car wash, full service (detail shop)

Carpenter, cabinet, or pattern shops

Carpet cleaning establishments

Caterer

Cemetery and/or mausoleum

Check cashing service

Chemical laboratories (e.g., ammonia, bleaching powder)

Chemical laboratories (not producing noxious fumes or odors)

Church/place of religious assembly

Cider mills

Civic/conference center and facilities

Cleaning, pressing and dyeing (non-explosive fluids used)

Club (private)

Coffee shop

Cold storage plant

Commercial amusement concessions and facilities

Communication equipment - installation and/or repair

Community building (associated with residential uses)

Computer and electronic sales

Computer repair

Concrete or asphalt mixing plants - permanent

Concrete or asphalt mixing plants - temporary

Confectionery store (retail)

Consignment shop

Contractor's office/sales, with outside storage including vehicles

Contractor's temporary on-site construction office (only with permit from Building Official; see

Sec. 5.10)

Convenience store with or without fuel sales

Cotton ginning or baling works

Credit agency

Crematorium

Curio shops

Custom work shops

Dance hall / dancing facility (see Sec. 5.13)

Department store

Drapery shop / blind shop

Driving range

Drug sales/pharmacy

Electrical generating plant

Electrical repair shop

Electrical substation

Electronic assembly/high tech manufacturing

Electroplating works

Enameling works

Engine repair/motor manufacturing re-manufacturing and/or repair

Exterminator service

Fair ground

Farms, general (crops) (see Chapter 6, Municipal Code and Sec. 5.9)

Farms, general (livestock/ranch) (see Chapter 6, Municipal Code and Sec. 5.9)

Feed and grain store

Filling station (fuel tanks must be below the ground)

Florist

Flour mills, feed mills, and grain processing

Food or grocery store with or without fuel sales

Food processing (no outside public consumption)

Forge (hand)

Forge (power)

Fraternal organization/civic club (private club)

Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)

Freight terminal, truck (all storage of freight in an enclosed building)

Frozen food storage for individual or family use

Funeral home/mortuary

Furniture manufacture

Furniture sales (indoor)

Galvanizing works

Garden shops and greenhouses

Golf course

Golf course (miniature)

Governmental building or use Grain elevator

Greenhouse (commercial)

Handicraft shop

Hardware store

Health club (physical fitness; indoors only)

Heating and air-conditioning sales / services

Heavy load (farm) vehicle sales/repair (see Sec.5.14)

Heavy manufacturing

Heliport

Hides/skins (tanning)

Home repair and yard equipment retail and rental outlets

Hospital, general (acute care/chronic care)

Hospital, rehabilitation

Hotel/motel

Ice delivery stations (for storage and sale of ice at retail only)

Ice plants

Industrial laundries

Kiosk (providing a retail service)

Laboratory equipment manufacturing

Laundromat and laundry pickup stations

Laundry, commercial (w/o self serve)

Laundry/dry cleaning (drop off/pick up)

Laundry/washateria (self serve)

Lawnmower sales and/or repair

Leather products manufacturing

Light manufacturing

Limousine / taxi service

Livestock sales/auction

Locksmith

Lumberyard (see Sec. 5.15)

Lumberyard or building material sales (see Sec. 5.15)

Machine shop

Maintenance/janitorial service

Major appliance sales (indoor)

Manufactured home sales

Manufacturing and processes

Market (public, flea)

Martial arts school

Meat or fish packing/storage plants

Medical supplies and equipment

Metal fabrication shop

Micro brewery (onsite manufacturing and/or sales)

Mini-warehouse/self storage units (no outside boat and RV storage permitted)

Mini-warehouse/self storage units with outside boat and RV storage

Motion picture studio, commercial film

Motion picture theater (indoors)

Motion picture theater (outdoors, drive-in)

Motorcycle dealer (primarily new / repair)

Moving storage company

Moving, transfer, or storage plant

Museum

Needlework shop

Non-bulk storage of fuel, petroleum products and liquefied petroleum

Offices, brokerage services

Offices, business or professional

Offices, computer programming and data processing

Offices, consulting

Offices, engineering, architecture, surveying or similar

Offices, health services

Offices, insurance agency

Offices, legal services - including court reporting

Offices, medical offices

Offices, real estate

Offices, security/commodity brokers, dealers, exchanges and financial services

Outside storage (as primary use)

Paint manufacturing

Park and/or playground (private or public)

Parking lots (for passenger car only) (not as incidental to the main use)

Parking structure / public garage

Pawn shop

Personal watercraft sales (primarily new / repair)

Pet shop / supplies (10,000 sq. ft. or less)

Pet store (more than 10,000 sq. ft.)

Photo engraving plant

Photographic printing/duplicating/copy shop or printing shop

Photographic studio (no sale of cameras or supplies)

Photographic supply

Plant nursery

Plant nursery (growing for commercial purposes with retail sales on site)

Plastic products molding/reshaping

Plumbing shop

Portable building sales

Poultry killing or dressing for commercial purposes

Propane sales (retail)

Public recreation/services building for public park/playground areas

Publishing/printing company (e.g., newspaper)

Quick lube/oil change/minor inspection

Radio/television shop, electronics, computer repair

Rappelling facilities

Recreation buildings (private)

Recreation buildings (public)

Recycling kiosk

Refreshment/beverage stand

Research lab (non-hazardous)

Restaurant

Restaurant/prepared food sales

Retail store and shopping center

Rodeo grounds

RV/travel trailer sales

Sand/gravel sales (storage or sales)

School, K-12 (public or private)

School, vocational (business/commercial trade)

Security monitoring company

Security systems installation company (with outside storage)

Sheet metal shop

Shoe repair shops

Shooting gallery - indoor (see Sec. 5.13)

Shopping center

Sign manufacturing/painting plant

Specialty shops in support of project guests and tourists

Stone/clay/glass manufacturing

Storage - interior and exterior storage for boats and recreational vehicles

Storage in bulk

Studio for radio or television (with tower) (see Sec. 5.7)

Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)

Tailor shop (see home occupation)

Tattoo or body piercing studio

Taxidermist

Telemarketing agency

Telephone exchange buildings (office only)

Tennis court (commercial)

Theater (non-motion picture; live drama)

Tire sales (outdoors)

Tool rental

Transfer station (refuse/pick-up)

Travel agency

Truck or transit terminal (with outside storage)

Truck Stop

University or college (public or private)

Upholstery shop (non-auto)

Used or second hand merchandise/furniture store

Vacuum cleaner sales and repair

Veterinary hospital (with or without outside animal runs or kennels) with the exception that outdoor kennels may not be used between the hours of 9:00 p.m. and 7:00 a.m. and are prohibited adjacent to residential

Video rental / sales

Warehouse / office and storage / distribution center

Waterfront amusement facilities - berthing facilities sales and rentals

Waterfront amusement facilities - boat fuel storage / dispensing facilities

Waterfront amusement facilities - boat landing piers / launching ramps

Waterfront amusement facilities – swimming / wading pools / bathhouses

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

Welding shop

Wholesale sales offices and sample rooms

Woodworking shop (ornamental)

Any comparable business or use not included in or excluded from any other district described herein, provided that such use is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

(2) Any other uses not now or hereinafter prohibited by ordinance of the City of New Braunfels regulating nuisances, except that the following uses will be permitted only by approval of the City Council after report from the Health Department, Fire Department, and Planning Commission:

Acid manufacture.

Auto wrecking yards.

Bulk storage of fuel, liquefied petroleum and flammable liquids.

Cement, lime, gypsum or plaster of Paris manufacture.

Distillation of bones.

Explosives manufacture or storage.

Fertilizer manufacture and storage.

Garbage, offal or dead animal reduction or dumping.

Gas manufacture.

Iron and steel manufacture.

Junkyards, including storage, sorting, baling or processing of rags.

Manufacture of carbon batteries.

Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.

Manufacture of rubber, glucose, or dextrin.

Monument or marble works.

Oil compounding and barreling plants.

Paper or pulp manufacture.

Petroleum or its products (refining of).

Railroad roundhouses or shops.

Rock crushers.

Smelting of tin, copper, zinc or iron ores.

Steel furnaces.

Stockyards or slaughtering.

Structural iron or pipe works.

Sugar refineries.

Tar distillation or manufacture.

Tar products.

Wire or rod mills.

Wood distillation plants (charcoal, tar, turpentine, etc.).

Wool scouring.

- (3) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.
 - (b) Maximum height, minimum area and setback requirements:
 - (1) Height. 120 feet.
 - (2) Front building setback. 25 feet.

- (3) Side building setback. No side building setback is required.
- (4) Corner lots. Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots. Buildings on corner lots shall have 25-foot side building setbacks adjacent to the street where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots. Where a minimum 25-foot setback is required, a canopy at least eight feet in height, attached to the main building, may be built within 15 feet of the property line so long as such construction will not obstruct the vision of vehicular or pedestrian traffic.
- -Garage setback. Where a driveway is located in front of a garage, the garage shall be setback 20 feet from the right-of-way or the driveway to the garage shall be at least 20 feet long to provide enough space for a vehicle to park without overhanging into the right-of-way, if the garage door is closed. (See Illustration 8 in Sec. 5.1-1)
- (5) Residential setback. Where a non-residential building abuts a one or two family use or zoning district, the setback from the residential property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- (6) Rear building setback. 20 feet.
- (7) Width of lot. 60 feet.
- (8) Lot depth. 100 feet.
- (9) Parking. See Sec. 5.1. for permitted uses' parking.

SECTION 5

THAT Chapter 144, Zoning, Section 4.2, Land Use Matrix, is hereby amended as shown below:

4.2 Land Use Matrix.

Legend																											
P – The land use is permitted by right in the zoning district indicated.	ict indicated																										
- The land use is prohibited in the zoning district indicated (Blank).	ited (Blank).																										
NOTE: An application for a Special Use Permit may be made for any	made for an	_	and use not permitted in any	ot pe	rmitte	ui þe	any		district, except PD	exc	apt F	ص.															
Types of Land Uses	Pre-1987 Zonin	ing Di	ng Districts					Ро	Post-1987	987	Zoning		Districts	cts							•						
	R-1 R-3 B-1	HT	C-1 ZH	C-5	C-3	M-1	Z-M	ДЧА	R-1A-43.5	S1 A1-A	8 A1-Я	9.9 A1-A	A2-Я	R-3L	R-3H	A1-8 B1-8	A-HT	∀-HZ	A-UM	A-UM	A1-D	C-1B	C-2A	C-4A	C-4B	00	AS-M
Accessory building/structure (see Sec. 5.4)	<u>а</u>	<u>a</u>	А	۵	<u>а</u>			<u>Ф</u>	<u> </u>	_	_	<u>_</u>	<u></u>	<u></u>	<u>а</u>	<u>_</u>	_	₾	<u></u>	<u> С</u>	L	<u> </u>	ட	_		<u></u>	
Accessory dwelling (one accessory dwelling per lot, no kitchen)	<u>а</u>	-	А	۵	<u>а</u>			۵	Δ.	۵	_	L	<u></u>					_	Д							<u>_</u>	
Accounting, auditing, bookkeeping, and tax preparations			۵	۵	<u>а</u>	<u> </u>	Δ.												<u> С</u>	۵	<u> </u>	<u> </u>	<u>а</u>	Д.	<u>_</u>	<u> </u>	<u>а</u>
Acid manufacture																											
Adult day care (no overnight stay)			۵	۵	<u>م</u>									<u>а</u>					<u> С</u>	۵.	<u> </u>	<u> </u>	<u> </u>	_		<u>_</u>	
Adult day care (with overnight stay)	۵		Ф	<u> </u>	Д														Д	۵	<u>Ф</u>	<u>а</u>	۵	<u>а</u>			
Aircraft support and related services					Д	<u> С</u>	₾													۵							Д
Airport						Δ.	۵													۵							Д
All-terrain vehicle (ATV) dealer / sales				۵	Д.	<u>Ф</u>	<u>Ф</u>													۵		<u>а</u>	a	a	Д.		<u>а</u>
Ambulance service (private)			Д	۵	Д.	<u>Ф</u>	<u>Ф</u>													<u> С</u>		<u>а</u>	a				<u>а</u>
Amphitheaters (outdoor live performances)				۵	Д	Δ.	<u>Ф</u>													۵		<u>а</u>	۵	Δ.	Ф		<u>а</u>
Amusement devices/arcade (four or more devices)				۵	Д	Δ.	۵												Д	۵	۵	۵	۵	Д	Д		Ч
Amusement services or venues (indoors) (see Sec. 5.13)				۵	Ь	Δ.	<u>α</u>													۵		۵.	۵	Д.	Д	_	<u>а</u>

										178									
					AS-M	Ф	Ъ	۵	Ф	۵	Ф	۵	<u>Ф</u>	۵	Д		Д	Д	Д
					A1-M	۵	۵	<u>Ф</u>	۵	<u>Ф</u>	<u>Ф</u>	۵	۵	۵	۵		۵	۵	۵
					00			<u>Ф</u>	Ф			<u> С</u>	<u>Ф</u>	<u> С</u>					
					C-4B	۵	۵	<u>Ф</u>	Ф		Ф	<u> С</u>	<u>Ф</u>	<u> С</u>	Ф		۵		
					C- 4 ∀	۵	۵	۵	۵		Ф	۵	Ф	۵	Ф		Ф		
					C-2A		۵	<u> </u>	<u> С</u>	<u> </u>		<u> </u>	<u> </u>	<u> </u>	<u>Ф</u>				۵
					C-1B	۵	۵	<u> </u>	<u> </u>	<u> </u>		<u> </u>	<u> </u>	<u> </u>	<u>а</u>	۵	۵	۵	۵
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			PD.	Zoning	9.9 A1-A														
			except PD	Zor	8 A1-A														
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				Post-1987	R-1A-43.5														
			district,	Po	ДЧА														
			any		Z-M	۵	۵	<u> </u>	۵.	<u> </u>	۵	۵	Δ.	۵	۵		۵	۵	۵
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			use not permitted in		t-0	Δ.		_			<u> С</u>	_	_	_	Δ.				
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			se n	istricts	1-0		۵	<u> </u>	<u>Ф</u>	<u> </u>		<u> </u>	<u> </u>	<u> </u>		۵			
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	P - The land use is permitted by right in the zoning district indicated.	- The land use is prohibited in the zoning district indicated (Blank)	NOTE: An application for a Special Use Permit may be made for any land			Amusement services or venues (outdoors)	do	age services				uiting center		lio	hall or areas	//retirement home		ehicle)	Auto body repair, garages (see Sec. 5.11)
Legend	P – The land use is p	- The land use is pr	NOTE: An applicatior	Types of Land Uses		Amusement services	Animal grooming shop	Answering and message services	Antique shop	Appliance repair	Archery range	Armed services recruiting center	Art dealer / gallery	Artist or artisans studio	Assembly/exhibition hall or areas	Assisted living facility/retirement home	Athletic fields	Auction sales (non-vehicle)	Auto body repair, gar

Puegend																															
P - The land use is permitted by right in the zoning district indicated.	district indi	icate	6																												
- The land use is prohibited in the zoning district indicated (Blank)	dicated (B	lank,	نــ																												
NOTE: An application for a Special Use Permit may be made for any land u	be made f	for aı	ıy la	n pu	se not permitted	ot po	ermi	tted	.⊑	any d	district,		xcep	except PD	Ċ.																
Types of Land Uses	Pre-1987 Zoning Districts	37 Zo	ning	Dist	ricts						Post	Post-1987		Zoning		Districts)ts														
	R-1	R-3	P-8 HT	HZ	1-0	C-2	C-3	7- 3	r-M	Z-M	Q9A	R-1A-43.5	R-1A 12	8 A1-A	0.0 A1-A AS-A	R-31	В-3H К-3Г	A1-8	B-1B	A-HT	A-HZ	A-UM	a-UM	A1-O	C-1B	C-2A	C-4∀	C-4B	00	Ar-M	AS-M
Auto glass repair/tinting (see Sec. 5.11)						_	L		<u>_</u>	_													Ъ		₾					Ъ	Ь
Auto interior shop / upholstery (see Sec. 5.11)						Δ.	△		<u>_</u>	_													Ъ		₾					Ъ	Ъ
Auto leasing						۵	_		<u>_</u>	<u></u>												۵	Ь	۵	۵	۵				Ь	Ь
Auto muffler shop (see Sec. 5.11)						Δ.	۵		۵	<u>_</u>													Ь		₾					Ь	Ь
Auto or trailer sales rooms or yards (see Sec. 5.12)						Δ.	_		L	<u>_</u>													Ф		<u></u>	₾				Ф	Ф
Auto or truck sales rooms or yards - primarily new (see Sec. 5.12)						<u> </u>	a		<u>a</u>	a													Ь		₾	۵				Д	Ъ
Auto paint shop						۵	<u> С</u>		<u>م</u>	<u>م</u>													Ь		۵					Ь	Ь
Auto repair as an accessory use to retail sales						Δ.	<u></u>		L	<u>_</u>													Ф		<u></u>	<u>Ф</u>				Ф	Ф
Auto repair garage (general) (see Sec. 5.11)						Δ.	_		ட	_													Ф		<u>Ф</u>	۵				Д	Д
Auto supply store for new & factory rebuilt parts					۵	Δ.	<u></u>		a	L												<u> С</u>	Ь	۵	Δ.	<u>Ф</u>				Ь	Ь
Auto tire repair /sales (indoor)						Δ.	۵		<u></u>	L												<u> С</u>	Ь	۵	Δ.	۵				Ь	Ь
Auto wrecking yards																															
Automobile driving school (including defensive driving)					۵	Д	Ф		Ф	Д													Ь		۵	Ф				Ь	Ь
Bakery (retail)					Ь	Д	Ь	Ь	Ь	Ь												Ь	Р	Ь	Д	Ь	Д	Ь	Ь	Ь	Ь

Legend P – The land use is permitted by right in the zoning district indicated.	ict indica	ated																													
- The land use is prohibited in the zoning district indicated (Blank).	ated (Bla	ınk).																													
NOTE: An application for a Special Use Permit may be made for any land use not permitted in	made fo	r an	y lar	sn pı	วษ อง	ot pe	ırmit	ted i	n an	y di	any district,		except PD	t PD																	
Types of Land Uses	Pre-1987 Zoning	Zor	ing	Districts	icts					т	Post-1987	198		Zoning		Districts	S														
	E-3 B-5 B-1	B-1	HT	HZ	1-0	C-5	C-3	†-O	I-M	Z-M	APD A 2 64-43 5	R-1A-43.5 R-1A 12	8 A1-A	8-1A 6.6	AS-A	R-3L	R-3H	A1-8	B-1B	A-HT	∀-HZ	A-UM	A-UM	C-1A	C-1B	C-2A	∀ + -3	C-4B	00	A1-M	AS-M
Bank, savings and loan, or credit union					۵	۵	<u> </u>	4	<u>Г</u>	<u></u>												Д.	<u>_</u>	Д.	_	<u> </u>	<u>_</u>	<u>a</u>	Д.	<u> </u>	<u>_</u>
Bar/Tavern (no outdoor music)					۵	_	<u> </u>	4	<u>г</u>	<u></u>												<u></u>	<u>_</u>	<u>a</u>	<u></u>	<u></u>	<u>_</u>	<u>a</u>	Д.	Д.	<u>_</u>
Bar/Tavern						_	<u>_</u>	<u> </u>	а.	<u> </u>												<u>_</u>	_		<u> </u>	<u> </u>	<u> </u>	<u>a</u>	<u></u>	п.	<u>a</u>
Barber/beauty college (barber or cosmetology school or college)					a	_	a	_	<u>а</u>	<u></u>													L		<u> </u>	a			ш	а.	<u></u>
Barber/beauty shop, haircutting (non-college)					<u> </u>	<u>_</u>	<u> </u>		Ф	<u>а</u>												<u>_</u>	Д	۵	_	<u> </u>	<u>-</u>	<u>а</u>	4	4	16U
Barns and farm equipment storage (related to agricultural uses)	<u>а</u>	۵	Ъ	۵	۵.	a	<u>а</u>	<u>a</u>	Д.	Д	Д.	<u>a</u>	<u>a</u>	۵	۵	Ъ	۵	Ф	۵	Ф	۵.	Ф	<u></u>	Ф	<u> </u>	<u> </u>	<u> </u>	<u>а</u>	4	Д.	<u>a</u>
Battery charging station					۵	Д	Д		д	Д												Д.	Д.	Д.		Ф			ш.	д	<u>а</u>
Bed and breakfast inn (see Sec. 5.6)						_	<u>_</u>	<u></u>								Ь	۵					L	۵	<u>_</u>	<u></u>	<u> </u>	<u> </u>	<u> </u>	<u>_</u>		1
Bicycle sales and/or repair					۵	_	<u> </u>	<u> </u>	Д.	Д.												a	a	<u>а</u>	<u> </u>	<u> </u>	<u>a</u>	Ф	ш	Д.	<u>_</u>
Billiard / pool facility						<u> </u>	<u> </u>	<u>a</u>	а.	<u> </u>													<u>_</u>		_	<u> </u>	<u> </u>	a	ш	<u>а</u>	Δ.
Bingo facility						<u> С</u>	а_	Д.	а.	<u>а</u>												Ф	_	Ф	<u> </u>	Д.	<u>_</u>	Д			
Bio-medical facilities						_	a	_	Д.	<u> </u>													<u>_</u>		_	<u>a</u>			ш	<u>г</u>	<u>_</u>
Blacksmith or wagon shops									д	<u>a</u>													<u>_</u>			۵			ш	Д	<u></u>
Blooming or rolling mills									<u> </u>	<u> </u>																				ш.	<u>a</u>

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				C-4B	Δ.		<u>а</u>									L	Ф
				C-4A	<u>_</u>		<u> </u>			۵						<u> </u>	<u>_</u>
				C-2A	<u> </u>	۵	<u>a</u>			<u>_</u>		Д		<u>a</u>	a	a	Д.
				C-1B		_	<u> </u>			۵		Д.		4	<u>a</u>		
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				A-UM	<u>_</u>	<u>_</u>	<u>a</u>	<u>_</u>	<u>_</u>	<u>_</u>		Д.		<u>а</u>	Д.		
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				A1-8													
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			Districts	R-3L	Ф												
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		PD.	Zoning	8.9 A1-A													
		except PD	Zon	8 A I - A													
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		district,	Post-1987	ДЧА													
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Legend P – The land use is permitted by right in the zoning district indicated.	- The land use is prohibited in the zoning district indicated (Blank).	NOTE: An application for a Special Use Permit may be made for any lan	Types of Land Uses		Boarding house/lodging house	oinding	store	Bottling or distribution plants (milk)	g works	Bowling alley/center (see Sec. 5.13)	Breweries/distilleries and manufacture of alcohol and alcoholic beverages	Broadcast station (with tower) (see Sec. 5.7)	Bulk storage of gasoline, petroleum products, liquefied petroleum and flammable liquids (see Sec. 5.27)	arns or lots	Bus passenger stations	Cabin or cottage (rental)	Cabin or cottage (rental for more than 30 days)
Legend P – The land	– The land u	NOTE: An ap	Types of Land		Boarding hou	Book binding	Book store	Bottling or dis	Bottling works	Bowling alley,	Breweries/dis and alcoholic	Broadcast sta	Bulk storage of liquefied petro Sec. 5.27)	Bus barns or lots	Bus passeng	Cabin or cotta	

Legend P – The land use is permitted by right in the zoning district indicated.	rict indic	atec																												
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NOTE: An application for a Special Use Permit may be made for any land use not permitted in	made fo	ır an	y lar	n pu	ง อง	ot pe	ırmit	ted i	n an	y di	any district,		except PD	. PD																
Types of Land Uses	Pre-1987 Zoning	Zor	ing	Districts	ricts					Ф	Post-1987	198		Zoning		Districts	S													
	E-3 B-5 B-1	R-1	HT	HZ	1-0	C-5	C-3	†-O	I-M	C-M	APD 3.5	St At-A	8 A1-A	8.9 A1-A	AS-A	B-3∟	HE-3H	A1-8	B-1B	A-HT	∀-HZ	A-UM	a-uM	C-1A	C-1B	C-2A	C-4B C-4∀	00	A1-M	AS-M
Cafeteria / café / delicatessen					۵	_	_	4	<u>a</u>													<u></u>	4	<u></u>	<u>a</u>	۵	Δ.		Ъ	۵
Campers' supplies					۵	Δ.	_	4	а													<u> </u>	<u> </u>	<u>a</u>	<u>а</u>	۵.	<u>Ф</u>		Ъ	Д
Canning/preserving factories									<u> </u>																					۵
Car wash (self-service; automated)						Δ.	_	4	<u>а</u>														<u>_</u>	<u> </u>	<u>م</u>	<u> </u>			Ф	Δ.
Car wash, full service (detail shop)						a	_	4	<u>а</u>														<u></u>	<u> </u>	<u>а</u>	Δ.			Ъ	۵
Carpenter, cabinet, or pattern shops								_	Д														Д.	<u>. </u>	Д	_			Ъ	۵
Carpet cleaning establishments							△		<u>а</u>														<u>م</u>	<u> </u>	<u> </u>				Ь	۵
Caterer						۵	_	Д	Д													<u></u>	4	Д	Ф	Δ.	Δ.		Ъ	۵
Cement, lime, gypsum or plaster of paris manufacture																														
Cemetery and/or mausoleum	<u>а</u>	۵			<u> </u>	۵	△		<u>а</u>	Δ.					۵	۵	۵					<u> </u>	<u>-</u>	Д	<u>а</u>			Δ.	Ь	۵
Check cashing service					۵	a	<u> </u>	Д	<u>а</u>													<u></u>	<u>م</u>	<u>а</u>	<u>а</u>	<u> </u>	<u>С</u>	<u>Ф</u>	Д	<u>Ф</u>
Chemical laboratories (e.g., ammonia, bleaching powder)									Δ.	0													<u>a</u>							۵
Chemical laboratories (not producing noxious fumes or odors)							Д	_	Ь	0																			Ъ	Ф
Child day care/children's nursery (business)					۵	Δ.	Д.	Д	Д	0												Д.	4	4	Ъ	_				

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- The land use is prohibited in the zoning district indicated (Blank).	cated (F	Blar	<u>ج</u>																													
NOTE: An application for a Special Use Permit may be made for any I	made	for	any	lanc	nse) noi	ber	and use not permitted in any	i pe	an.	y di	district, except PD	t, e,	xcep	ot P	<u>.</u>																
Types of Land Uses	Pre-1987 Zoning	2 28	onir.	D bt	Districts	sts					ഥ	Post-1987	-198		Zoning		Districts	cts														
	R-2 R-1	E-3	I-8	HT	HZ	1-0	C-2	C-3	C-4	1-M	S-M	4 EN-41-9	R-1A-43.5	R-1A 12	8 A1-A	8-1A 6.6	R-2A	R-3H B-3T	R-3H Ar-8	B-1B	A-HT	∀-HZ	A-UM	a-um	A1-D	C-1B	C-2A	C-4A	C-4B	00	Ar-M	AS-M
Church/place of religious assembly	<u>م</u>	<u>Ф</u>	<u>_</u>	<u>a</u>	<u></u>	<u>-</u>	Д.	Ф	<u>а</u>	<u> </u>	<u>С</u>	<u> </u>		Ф	Ф	<u>-</u>	<u>а</u>	<u> </u>	۵	۵	△	۵	Ъ	Ъ	Ъ	Ф	<u>Ф</u>	Д.	L	_	<u>а</u>	_
Cider mills										Δ.																					Δ.	1_
Civic/conference center and facilities							<u>a</u>	<u>a</u>	Δ.	<u>_</u>														Ф		<u>Ф</u>	<u> </u>	<u> </u>	L		<u>م</u>	1_
Cleaning, pressing and dyeing (non-explosive fluids used)						<u>a</u>	4	<u>_</u>	Δ.	<u>_</u>													۵	Д	Д	Ф	<u>Ф</u>				<u>а</u>	1_
Clinic (dental)						<u>а</u>	Ч	<u> </u>	<u>α</u>	<u> </u>													Ь	Ь	Д	۵	۵			<u> </u>	<u>а</u>	
Clinic (emergency care)					_	<u> </u>	Д.	a	Δ.	<u>a</u>													Ъ	Д	Ъ	Ф	Ф			_	a	
Clinic (medical)					_	4	Д	Д.	<u></u>	۵													Ь	Д	Д	Ф	۵				<u>_</u>	
Club (private)						<u> </u>	а.	<u>م</u>	Δ.	Δ.														Д		<u>Ф</u>	<u> </u>	_	_		<u>а</u>	1_
Coffee shop						<u> </u>	4	<u>Д</u>	<u>C</u>	<u> </u>													Ф	Ф	Ф	Ф	_	<u> </u>	L	_	<u>а</u>	1_
Cold storage plant									Δ.	۵														Д							<u>а</u>	1_
Commercial amusement concessions and facilities							4	д	<u>а</u>	<u> </u>														Д		<u> С</u>	<u> </u>	<u>_</u>	L		<u>а</u>	_
Communication equipment - installation and/or repair						<u>а</u>	Д.	<u> </u>	<u>Ф</u>	<u> </u>													Ф	Ф	Д	<u> С</u>	<u> </u>				<u>а</u>	_
Community building (associated with residential uses)	Ь	Д	Д		Д	Ь	Ъ	<u>д</u>	Ь	Д.	•	Ь		<u>д</u>	Д.	д	Ь	<u>م</u>	Ь	Ь	Ь	Ь	Ь								Ь	_
Community home (see definition)	д	<u></u>	a	<u>a</u>	<u>а</u>	<u>а</u>	Д.	<u>а</u>			Δ.	<u> </u>		Д.	Т	4	<u>а</u>	<u> </u>	₾.	Δ.	۵	۵	Ь	Ъ	Ь	۵	۵	_	L	<u></u>		

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Legend																															
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- The land use is prohibited in the zoning district indicated (Blank).	dicated (Blank).																														
NOTE: An application for a Special Use Permit may be made for any land u	be made for any	land	nse	not	perr	nitte	d in	any	ise not permitted in any district, except PD	rict,	өхс)ept	PD																		
Types of Land Uses	Pre-1987 Zoning Dis	ng Di	stricts	ts.					Ро	Post-1987			Zoning	Dis	Districts	ts															
	B-1 B-3 B-5 B-5	HT	HZ	1-3	C-3	C-0	I-M	Z-M	Δ9A	R-1A-43.5	St At-A		9.9 A1-A	AS-A	R-3L	R-3H	A1-8	B-1B	A-HT	A-HZ	A-UM	a-UM	C-1A	C-1B		C-2A	C-4A	CO C-4B	A1-M		AS-M
Computer and electronic sales			Δ.	<u> </u>	_		۵	₽													Ь	۵	۵	△	₾	_			۵	۵	٦,
Computer repair			Δ.	<u> </u>	<u>_</u>		۵	۵													۵	Δ.	Δ.	Δ.	Δ.	<u> </u>	<u>Ф</u>		Δ.	Δ.	10
Concrete or asphalt mixing plants - permanent								۵																						Ъ	10
Concrete or asphalt mixing plants - temporary								۵																						Δ.	٦_
Confectionery store (retail)			<u>Ф</u>	<u>_</u>	۵	Δ.	Ъ	۵													Ь	₾	۵	Δ.	Δ.	<u> </u>	Δ.	_	Δ.	۵	٦,
Consignment shop			Δ.	Δ.	Δ.		۵	△													۵	₾	_	Δ.	₾.	-			₾.	Δ.	10
Contractor's office/sales, with outside storage including vehicles					۵		۵	۵														_			Δ.	_			Δ.	Δ.	1.
Contractor's temporary on-site construction office	а а а	<u>_</u>	<u>а</u>	<u> </u>	Δ.	Δ.	Δ.	<u>α</u>	۵	Д	۵	Ф.	Ф	<u>Ф</u>	₾.	Δ.	Δ.	Д.	Δ.	Δ.	۵	Ф	<u>Ф</u>	Δ.	<u>Ф</u>	<u> </u>	Δ.	Δ.	<u>Ф</u>	<u>α</u>	_
Convenience store with gas sales			<u>α</u>	<u> </u>	۵	Δ.	Д	۵														Ф		Д	Δ.	<u> </u>	<u>Ф</u>		۵	Δ.	10
Convenience store without gas sales			Δ.	<u>_</u>	Δ.	Δ.	۵	۵													Ъ	۵	۵	۵	Ф	<u> </u>	۵		Ф	۵	10
Cotton ginning or baling works								₾																						Δ.	10
Country club (private)	а а а		Δ.	_	Δ.	Δ.	۵	₾	۵													△		△		Δ.	۵				
Credit agency			Δ.	<u>_</u>	<u>_</u>	₾	₾	₾													□	Δ.	Δ.	Δ.	□	<u>_</u>	<u>Ф</u>	_	_	₾	10
Crematorium										L																		-	Δ.	_	10
34																															1

Legend P – The land use is permitted by right in the zoning district indicated.	cated.	ià.																														
- The land use is prohibited in the zoning district indicated (Blank).	dicated (B	llank																														
NOTE: An application for a Special Use Permit may be made for any land u	be made t	for a	ny k	n pur	ıse ı	not p	se not permitted	ittec	.⊑	any (district,		except PD	pt F	Ö.																	
Types of Land Uses	Pre-1987 Zoning Districts	37 Zc	ninç	y Dis	trict	S					Pos	Post-1987		Zoning		Districts	icts															
	R-1	E-3	1-8	HZ HL	1-0	C-2	E-O	t-0	r-M	Z-M	ДЧА	R-1A-43.5	St At-8	8 A1-A	8.8 A1-A	AS-A	B-3∟	H2-3H	Ar-a	81-8 A-HT	A-HT	V-HZ	A-UM	MU-B C-1A	C-1B	C-2A	C-4∀	C-4B	00	Ar-M	AS-M	
Curio shops					Δ.	<u> </u>	۵	۵	۵	_												Δ.	Δ.	₾.	Δ.	△	_	₾		۵	<u>Ф</u>	
Custom work shops						۵	Ф		۵	۵												Δ.	Δ.	Δ.	Δ.	Ф				<u>Ф</u>	<u>Ф</u>	
Dance hall / dancing facility (see Sec. 5.13)						۵	۵		۵	۵													Δ.		Δ.	Δ.	۵	₾		۵	Δ.	
Day camp					□	۵	۵	<u>Ф</u>	<u>Ф</u>	<u> </u>													Δ.		Δ.	<u>Ф</u>	<u>Ф</u>	<u> </u>		<u> </u>		
Department store					_	۵	۵		۵	۵												<u>Ф</u>	<u>Ф</u>	<u>Ф</u>	Δ.	Ф				۵	۵	185
Distillation of bones																																
Dormitory (in which individual rooms are for rental)								۵									<u> </u>	<u></u>					Δ.			_	۵	₾	۵			
Drapery shop / blind shop					₾.	۵	Ф		۵	۵												<u>Ф</u>	Δ.	Д.	Δ.	_				۵	۵	
Driving range								۵	۵	۵													Δ.		Δ.		۵			۵	۵	
Drug store/pharmacy					□	۵	Ф	Δ.	۵	<u> </u>												<u>Ф</u>	<u>Ф</u>	<u>Ф</u>	Δ.	Ф	<u>Ф</u>	Δ.		<u>Ф</u>	<u>Ф</u>	
Duplex / two-family / duplex condominiums	۵	<u>Ф</u>	<u>a</u>		□	۵	Ф	۵								<u></u>		Δ.				<u>Ф</u>				Д			Д			
Electrical generating plant										۵																					۵	
Electrical repair shop					<u>Ф</u>	۵	Ф		۵	۵												<u>Ф</u>	<u>Ф</u>	<u>Ф</u>	Δ.	<u>Ф</u>	<u> </u>	<u> </u>		<u>а</u>		
Electrical substation		Ь	Д		<u>Ф</u>	Ф	Ь	Ф	Ф	<u> С</u>						_	Д.	Д				L	<u>Ф</u>	<u>Ф</u>	<u>Ф</u>	<u>Ф</u>			<u> С</u>	<u> </u>		

Legend P - The land use is permitted by right in the zoning district indicated.	rict indica	ated																													
- The land use is prohibited in the zoning district indicated (Blank).	ated (Bla	ınk).																													
NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district,	made fo	r an	y lan	sn pı	e nc	ot pe	rmitt	ed ii	n an	y di	stric	t, ex	except PD	t PE).																
Types of Land Uses	Pre-1987 Zoning	Zon		Districts	icts					Ф	Post-1987	-198		Zoning		Districts	ts										•				
	E-3 B-5	B-1	HT	HZ	1-0	C-5	C-3	7-7	1-M	2-M	4 EN-41-9	R-1A-43.5	R-1A 12	8 A1-A	8-1A 6.6	R-3L R-3L	HE-3H	A1-8	B-1B	A-HT	A-HZ	A-UM	a-um	A1-D	C-1B	C-2A	C-4A	C-4B	00	Ar-M	AS-M
Electronic assembly/high tech manufacturing									<u>а</u>	Д.													Ь							_	<u>a</u>
Electroplating works									<u>а</u>	0													Ь							۵	۵
Enameling works									Δ.	0																					a
Engine repair/motor manufacturing re- manufacturing and/or repair								_	<u>a</u>														Д							<u>Ф</u>	<u>a</u>
Explosives manufacture or storage																															
Exterminator service					L	<u>_</u>	<u> </u>		<u>م</u>														Ф		<u>Ф</u>	<u> </u>				_	a
Fair ground								_	Д	0													Д				۵			_	a
Family home adult care	<u>а</u>	۵	۵	۵	۵	_	<u></u>	<u></u>		<u>Ф</u>	<u>_</u>	Δ.	Δ.	<u>_</u>	Δ.	<u> </u>	۵			۵	۵	Д									
Family home child care	<u>Ф</u>	۵	<u>Ф</u>	Δ.	_	<u></u>	<u>а</u>	۵		۵	۵	Δ.	۵.	_	Δ.	<u>_</u>	۵			<u> С</u>	<u>а</u>	<u>Ф</u>									
Farmers market (produce market - wholesale)					۵	<u> </u>	<u>a</u>	Д.	<u>а</u>	Д.	0												Д		₾	Ф				_	
Farms, general (crops) (see chapter 6, municipal code & Sec. 5.9)	<u>а</u>	۵	۵	۵	۵	_	Д.	Ч	<u>а</u>	Д.	<u> </u>	۵	۵	<u>_</u>	Δ.	_	۵	Ь	Ь	۵	۵	۵	Ь	Ь	₾	۵	۵	۵	<u>_</u>	Д	<u>_</u>
Farms, general (livestock/ranch) (see chapter 6, municipal code & Sec. 5.9)	<u>а</u>	<u>α</u>	۵	۵		<u></u>	<u>а</u>	д.	<u>а</u>	Д.	۵.	۵.	۵.	<u> </u>	<u>α</u>	<u> </u>	Δ.	Д	Ь	<u> С</u>	<u> С</u>	<u> С</u>	Д	Д	₾	<u> С</u>	۵	<u> </u>	₾	<u></u>	a
Feed & grain store						Ь	Д	Д.	ЬР	0													Ь		Д	Ь				Д	<u></u>
Fertilizer manufacture and storage																															

Piegend Time Time Time Time Time Time Time Time	-																													
P – The land use is permitted by right in the zoning district indicated.	strict indicate																													
- The land use is prohibited in the zoning district indicated (Blank).	cated (Blank)	ا : _																												
NOTE: An application for a Special Use Permit may be made for any land use not permitted in	e made for ar	η la	n pu	se n	ot p	erm	tted	in a	any d	district,		except PD	ot P	<u>.</u>																
Types of Land Uses	Pre-1987 Zoning	ning	Dis	Districts					-	Post	Post-1987		Zoning		Districts	cts								İ				ŀ	•	
	E-3 B-5 B-1	I-8 HT	HZ	C-1	C-5	C-3	7- 3	r-M	Z-M	Q9A	R-1A-43.5	R-1A 12	8 A1-A	8-1A 6.6	AS-A	R-3L R-3H	Ar-8	B-1B	A-HT	∀-HZ	A-UM	a-UM	A1-O	C-1B	C-2A	∀ 7 -0	C-4B	00	Ar-M	AS-M
Filling station (gasoline tanks must be below the ground)				۵	<u>а</u>	۵	<u> </u>	<u> </u>	<u></u>													۵		a	۵	۵	<u>Ф</u>		L	Ф
Florist				<u></u>	۵	<u>_</u>	Δ.	<u>_</u>	<u></u>												<u></u>	<u> С</u>	<u>а</u>	۵	<u> </u>	۵	Д.		L	Д
Flour mills, feed mills, and grain processing								<u> </u>	_	a																				Д
Food or grocery store with gasoline sales				<u>Ф</u>	۵	<u> </u>	<u> </u>	<u> </u>	<u></u>													<u>Ф</u>		۵	<u> </u>	<u> </u>	L		a	Д
Food or grocery store without gasoline sales				₾	Δ.	Δ.	<u> </u>	<u> </u>	<u></u>												Δ.	<u> </u>	<u> </u>	<u> </u>	<u> С</u>	۵.	_		L	Д
Food processing (no outside public consumption)								<u> </u>	<u></u>													<u>α</u>								Д
Forge (hand)								<u> </u>	<u></u>													<u>α</u>							a	Д
Forge (power)								Д.	<u></u>													<u> </u>							a	Д
Fraternal organization/civic club (private club)	<u>а</u>	0		ᡅ	Δ.	<u>α</u>	Δ.	Д.	<u></u>													<u> </u>		Δ.	_	Δ.	L		a	Д
Freight terminal, rail/truck (when any storage of freight is wholly outside an enclosed building)									Д													Ь								Д
Freight terminal, truck (all storage of freight in an enclosed building)						Ь			Д													Ь								Д
Frozen food storage for individual or family use				Д	Д	Д		_	Ь												Ь	Ь	Д	Ь	Ь				Ь	Ф
Funeral home/mortuary				Д	Д	Д		_	Ь													Ь		Ь	Ь				Ь	Ф
Furniture manufacture						۵		_	Д													Д							Д	Ф

			not permitted in any district, except PD.	s Post-1987 Zoning Districts	C-2 C-3 C-4B C-4B C-4B C-4B C-1B C-1B C-1B C-1B C-1A MU-B R-1A-6.6 R-1A-6		a. a. a. a. a. a. a. a. a. a. a. a. a. a					A							
	indicated.	d (Blank).	ide for any land use not permitted	Pre-1987 Zoning Districts	C-3							۵	۵	۵			۵		
Legend	P – The land use is permitted by right in the zoning district indicated.	- The land use is prohibited in the zoning district indicated (Blank).	NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district,	Types of Land Uses Pre-1	R-1	Furniture sales (indoor)	Galvanizing works	Garbage, offal or dead animal reduction or dumping	Garden shops and greenhouses	Gas manufacture	Gas or oil wells	Golf course (public or private)	Golf course (miniature)	Governmental building or use with no outside P storage	Grain elevator	Greenhouse (commercial)	Handicraft shop	Hardware store	Hay, grain, and/or feed sales (wholesale)

Legend																														
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- The land use is prohibited in the zoning district indicated (Blank).	dicated (Blanl	k).																												
NOTE: An application for a Special Use Permit may be made for any land u	be made for a	any k	pue	ıse ı	τοτ μ	se not permitted in	ittea	ina	any d	district,		xcep	except PD	<u>.</u>																
Types of Land Uses	Pre-1987 Zoning Districts	oninç	g Dis	trict	S					Pos	Post-1987		Zoning		Districts)ts														
	E-3 E-3 B-1	1-8	HL	I-O HZ	C-5	C-3	C-4	r-M	Z-M	ДЧА	R-1A-43.5	S1 A1-A	8 A1-A	8.9 A1-A	R-2A	R-3H R-3L	Ar-8	B-1B	A-HT	A-HZ	A-UM	a-um	A1-D	C-1B	C-2A	C-4A	C-4B	00	A1-M	AS-M
Health club (physical fitness; indoors only)				□	۵	۵	Δ.	<u>_</u>	4												Ь	Δ.	₾	₾	۵	۵	۵		۵	Д
Heating & air-conditioning sales / services					Д	<u>Ф</u>		L	<u>_</u>												Ъ	₾	□		Δ.				<u>Ф</u>	<u>Ф</u>
Heavy load (farm) vehicle sales/repair (see Sec. 5.14)						۵		<u>Ф</u>	<u>_</u>													<u></u>		Δ.	Δ.				۵	۵
Heavy manufacturing									Д																					Д
Heliport						۵			۵													<u></u>		Δ.	۵				۵	Ф
Hides/skins (tanning)									۵																					<u>Ф</u>
Home occupation (see Sec. 5.5)	<u>а</u>	<u>Ф</u>	<u>а</u>	۵	۵	۵	۵			<u> </u>	П	Ф.	<u>م</u>	<u>_</u>			۵	۵	۵	Д	Д	<u>α</u>								
Home repair and yard equipment retail and rental outlets						<u> </u>		<u> </u>	<u>_</u>													<u></u>		₾	۵				۵	۵
Hospice	<u>a</u>			<u>Ф</u>	Ъ	۵									Ф	<u> </u>					Д	₾	₾	₾	۵			Д		
Hospital, general (acute care / chronic care)				۵	Д	Ф	Δ.	۵	a													<u></u>		Δ.	۵				۵	Д
Hospital, rehabilitation				<u></u>	Ь	Ф	۵	۵	Д												Ь	۵	۵	۵	Д				۵	Д
Hotel/motel				□	۵	<u> </u>	۵	_	<u>م</u>													Δ.		_	<u> С</u>	Δ.	۵		۵	۵
Hotels/motels - extended stay (residence hotels)				L	Д	۵	<u> </u>															<u>Ф</u>		<u> </u>	<u>Ф</u>	Δ.	۵			
HUD code-manufactured home (see Sec. 5.8)		<u>م</u>		<u>Ф</u>	Ь	Ь											Ф	Д										Д		

Legend																						
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NOTE: An application for a Special Use Permit may be made for any I	e made for any land use	and use not permitted in any district, except PD	ed in a	ıny dis	trict, e	cept	PD.															
Types of Land Uses	Pre-1987 Zoning Districts	8		Pc	Post-1987		Zoning [Districts	cts													
	R-3 R-3 R-3 R-3 R-3	C-3	W-1	S-M Q9A	R-1A-43.5	R-1A 12 8 A1-A	9.9 A1-A	R-2A	R-3H R-3H	A1-8	B-1B	A-HT	∀-HZ	A-UM	B-UM	C-1B	C-2A	C-4∀	C-4B	00	Ar-M	AS-M
HUD code-manufactured home subdivisions (see Sec. 5.8)										Ь										<u>Ф</u>		
Ice delivery stations (for storage and sale of ice at retail only)	Δ.	<u>а</u>	۵	۵										ш	Д	Δ.	Ъ				۵	۵
Ice plants			Ф.	<u>a</u>										ш.	Д.						<u> </u>	<u>Ф</u>
Industrial laundries			۵	۵										Δ.							۵	۵
Iron and steel manufacture																						
Junkyards, including storage, sorting, baling or processing of rags																						
Kiosk (providing a retail service)	Δ.	<u>-</u>	<u>а</u>	Ф									_	Ч	Д	۵.	<u>Ф</u>	<u>α</u>	Ь	Ф	<u>Ф</u>	<u>Ф</u>
Laboratory equipment manufacturing			۵	۵										Δ.							۵	۵
Laundromat and laundry pickup stations	Δ.	<u>а</u>	<u>م</u>	۵									_	Д	۵	<u> </u>	Ъ	۵	Д		۵	۵
Laundry, commercial (w/o self-serve)		<u>а</u>	۵	۵										ш	<u> </u>	<u>Ф</u>	۵				<u> </u>	<u>Ф</u>
Laundry/dry cleaning (drop off/pick up)	Δ.	<u>а</u>	<u>С</u>	<u>a</u>									_	<u>а</u>	<u>а</u>	<u> </u>	<u>Ф</u>	₾	Д	<u> С</u>	<u> </u>	<u>Ф</u>
Laundry/washeteria (self-serve)	Δ.	<u>а</u>	۵	۵									_	<u>Ф</u>	<u>а</u>	<u> </u>	<u> С</u>	<u> </u>	Д		<u></u>	<u>Ф</u>
Lawnmower sales and/or repair	Δ.	<u>а</u>	<u>С</u>	<u>a</u>									_	Д.	<u>а</u>	<u> </u>	<u>Ф</u>				<u> </u>	<u>Ф</u>
Leather products manufacturing			۵	<u>a</u>										_	<u></u>						۵	۵

Legend																										
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- The land use is prohibited in the zoning district indicated (Blank)	dicated (Blank).																									
NOTE: An application for a Special Use Permit may be made for any land u	be made for any l	and use	se not permitted in	ermi	ted ii	any r	/ dist	district, e	exce	except PD																
Types of Land Uses	Pre-1987 Zoning Districts	g Distric	ts				Ро	Post-1987	87 Z	Zoning		Districts	ts												•	
	R-1 R-2 R-3	HZ HL	C-5 C-1	C-3	t-0	I-M	ΠΠΑ	R-1A-43.5	SI AI-A	8 A1-A	R-1A 6.6 AS-R	∏8-3L	R-3H	A1-8	B1-8	A-HT	∀-HZ	A-UM	B-UM A1-2	C-1B C-1A	C-2A	C-4∀	C-4B	00	Ar-M	AS-M
Light manufacturing						<u>a</u>												Δ.	_						۵	<u>Ф</u>
Limousine / taxi service			<u> </u>	<u> </u>	Д.	<u>а</u>												Δ.		Δ.	Δ.	₾			<u> </u>	<u>Ф</u>
Livestock sales/auction						Δ.	Ф																			<u>Ф</u>
Locksmith			<u>а</u>	۵	ш.	<u>a</u>											Δ.	<u> </u>	<u> </u>	Δ.	<u>Ф</u>	_	Д.	<u>Ф</u>	L	<u>Ф</u>
Lumber mill						₾.																				
Lumberyard (see Sec. 5.15)				۵	ш.	<u>а</u>												Δ.	_						<u> </u>	<u>Ф</u>
Lumberyard or building material sales (see Sec. 5.15)				۵		<u>م</u>												Δ.	_						۵	۵
Machine shop					Щ	<u>а</u>												Δ.	_						۵.	<u>Ф</u>
Maintenance/janitorial service				۵	ш.	<u>а</u>												Δ.	_	Δ.	Δ.				<u> </u>	<u>Ф</u>
Major appliance sales (indoor)				L	ш.	<u>а</u>												Δ.		Ф	۵				<u>Ф</u>	<u>Ф</u>
Manufacture of carbon batteries																										
Manufacture of paint, lacquer, oil, turpentine, varnish, enamel, etc.																										
Manufacture of rubber, glucose, or dextrin																										
Manufactured home sales					L	<u>а</u>												Ф	_						Ф	<u>Ф</u>

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- The land use is prohibited in the zoning district indicated (Blank).	ated (Blank).																									
NOTE: An application for a Special Use Permit may be made for any land use not permitted in	made for any	land /	nse n	ot pe	mitte	d in a	any d	any district,		except PD	PD.															
Types of Land Uses	Pre-1987 Zoning	ing Di	Districts	•			_	Post-1987	1987		Zoning	Districts	icts													
	R-1 R-3 B-1	HT	C-1 ZH	C-5	C-3	I-M	Z-M	A 54-41-9	R-1A-43.5 R-1A 12	8 A1-Я	8.9 A1-A	AS-A	B-3L	R-3H	B1-8	A-HT	∀-HZ	A-UM	A-UM	A1-O	C-1B	C-2A	C-4A	CO C-4B	A1-M	AS-M
Manufacturing and processes						۵	a												<u>a</u>						Ф	۵
Manufacturing processes not listed																									Ф	۵
Market (public, flea)					a	۵	a												<u>a</u>						Ф	۵
Martial arts school			۵	<u></u>	Д.	۵	4											<u>а</u>	<u> </u>	<u> </u>	4	<u>а</u>	Δ.		۵	۵
Meat or fish packing/storage plants							4																			Δ.
Medical supplies and equipment			Δ.	<u></u>	<u>_</u>	۵	<u>م</u>												<u>a</u>		4	L			<u>Ф</u>	<u>Ф</u>
Metal fabrication shop					<u>م</u>	۵	a												<u>_</u>						Δ.	Δ.
Microbrewery (onsite mfg. and/or sales)				<u></u>	<u>а</u>	<u></u>	<u></u>												۵		Д.	<u>а</u>	<u>_</u>		_	_
Mini-warehouse/self-storage units (no boat and RV storage permitted)			۵	<u></u>	L	۵	Д.												<u>a</u>		4	L			Ф	۵
Mini-warehouse/self-storage units with outside boat and rv storage						۵	Д												<u>a</u>						<u>Ф</u>	Δ.
Monument, gravestone, or marble works (manufacture)																										
Motion picture studio, commercial film			۵	Д	Ь	۵	Д												۵	_	д	Ь	۵		Д	Ф
Motion picture theater (indoors)			₾		Д	₾	Д												Δ.		Д	Д	Δ.		Д	Д
Motion picture theater (outdoors, drive-in)					<u>а</u>	۵	<u>_</u>												<u>a</u>		_	Δ.	Δ.		<u>Ф</u>	<u>Ф</u>

Legend																						
P – The land use is permitted by right in the zoning district indicated.	istrict indicated.																					
- The land use is prohibited in the zoning district indicated (Blank).	licated (Blank).																					
NOTE: An application for a Special Use Permit may be made for any land use not permitted in any district,	be made for any lan	nse no	: permit	ted in	any dis		except PD	PD.														
Types of Land Uses	Pre-1987 Zoning Districts	Sistricts			Ğ	Post-1987		Zoning D	Districts	şţ								•	•		•	
	R-1 R-2 R-1 HT	L-O HZ	C-3	W-1	S-M Q9A	R-1A-43.5	R-1A 12	9.9 A1-A	R-3L R-3L	R-3H	A1-8	81-8 A-HT	∀-HZ	A-UM	8-UM 41.2	C-1B C-1A	C-2A	∀⁄r-O	C-4B	00	A1-M	AS-M
Motorcycle dealer (primarily new / repair)			<u>а</u>	۵	a										<u> </u>	_	Ь				<u> </u>	<u></u>
Moving storage company			۵	Д	d										<u> </u>	Δ.	Д				<u></u>	<u>_</u>
Moving, transfer, or storage plant			۵	Д	a										<u></u>						<u></u>	<u></u>
Multifamily (apartments/condominiums)	<u>а</u>	۵	<u>а</u>	Ь					_	۵				<u>-</u>	<u> </u>		Д	۵	۵	<u>_</u>		1
Museum	<u>а</u>	۵	<u>م</u>	<u>а</u>	<u></u>					۵				<u>a</u>	<u>Ф</u>	Δ.	Д	۵	a		<u> </u>	193
Natural resource extraction and mining																						
Needlework shop		۵	<u>م</u>	Ф	۵									<u></u>	<u>а</u>	□	۵	۵	۵	<u>a</u>	<u></u>	<u></u>
Nonbulk storage of gasoline, petroleum products and liquefied petroleum			۵	۵	<u> </u>									-	<u> </u>						<u> </u>	<u>_</u>
Nursing/convalescent home/sanitarium	<u>а</u>	Δ.	<u>а</u>	Д						Δ.				<u>а</u>	<u>а</u>	<u> </u>	Ф					
Offices, brokerage services		۵	<u>а</u>	Ь	۵									<u>a</u>	<u>а</u>	۵	Д	۵	۵	4	<u></u>	<u></u>
Offices, business or professional		<u>α</u>	<u>а</u>	А	△									<u>a</u>	<u>a</u>	<u>Ф</u>	Д	<u> С</u>	۵	<u>_</u>	<u></u>	<u>_</u>
Offices, computer programming and data processing		۵	<u>а</u>	Д	d									<u>a</u>	<u>а</u>	<u>Ф</u>	<u> С</u>	۵.	<u>_</u>	<u>_</u>	<u> </u>	<u>_</u>
Offices, consulting		<u>α</u>	<u>а</u>	Ь	<u></u>									<u>а</u>	<u>а</u>	Δ.	۵	<u> С</u>	L	<u>a</u>	<u> </u>	<u>a</u>
Offices, engineering, architecture, surveying or similar		۵	<u>а</u>	Ь	۵									<u>а</u>	Д	Д.	Ф	a	۵	<u>_</u>	<u> </u>	<u>a</u>

	1				AS-M	<u>_</u>	<u></u>	<u></u>	<u></u>	194	۵		1	<u></u>	۵		<u>a</u>	<u></u>	<u>a</u>
					Ar-M	<u>a</u>	<u>а</u>	П	<u>г</u>	<u>a</u>	<u>с</u>			П	ш.		Д.	Ф	4
					00	<u>г</u>	П	П	<u>г</u>	<u>г</u>	Д.		۵	_			Д.	_	т.
					C-4B	<u> </u>	П	П	Д.	Д.	Д.		ш.				Д.	<u>م</u>	<u>а</u>
					C-4∀	<u>Г</u>	Д.	Д.	4	4	4						Д.	Д.	Д.
					C-2A		П	П									Д.	Д	
					C-1B	۵			<u>_</u>	<u>_</u>	۵								Δ.
					C-1A	<u>_</u>	Δ.	<u> </u>	<u> </u>	<u> </u>	<u>a</u>						Δ.	_	Δ.
					8-UM	<u>_</u>	<u>a</u>	<u> </u>	<u> </u>	Δ.	<u> </u>						<u> </u>	_	₾.
					A-UM	Δ.	Δ.	Δ.	Δ.	Δ.	Δ.			۵			<u>Ф</u>	_	Δ.
					V-HZ	۵	Ф	۵	Δ.	Δ.	Ф		Δ.				Ф	۵	<u>Ф</u>
																	Ф		
					A-HT												Ф		
					B-1B												Δ.		
					A1-8								Δ.				Ф		
				ıţ	HE-3H												۵		
				Districts	R-3L												۵		
					AS-A								۵				Д		
			except PD	Zoning	8.9 A1-A								۵				Ф		
			cept		8 A1-Я								۵				Ф		
				198	St At-8								۵				۵		
			district,	Post-1987	R-1A-43.5								₾.				Δ.		
				P	ДЧА								₾.				<u>Ф</u>		
			any		S-M	₾	Δ.	۵	<u>Ф</u>	<u>Ф</u>	₾			۵	₾		Δ.	₾	۵
			i.		r-M	△	Ъ	۵	Δ.	<u>α</u>	<u>Ф</u>			۵			Ф	۵	۵
			permitted in		7-O	۵	۵	۵	<u>Ф</u>	<u>Ф</u>	۵		۵				۵	Д	۵
			erm		C-3	₾	۵	۵	<u>Ф</u>	<u>Ф</u>	۵		<u>Ф</u>				۵	۵	۵
			ot b		C-2	△	Ъ	Ъ	<u>α</u>	<u>Ф</u>	۵		<u>Ф</u>				Д	Д	Ь
			d use not	ricts	1-0	Д	Ь	Ь	Ф	Ф	Ф		Д				Ь	Ь	
			n pı	Districts	HZ												Ь		
			/ lar		HT												Ь		
	ited	(숙	an	Pre-1987 Zoning	1-8								Ъ				Р		
	dica	Bla	for	187	E-3								۵				Ф		
	i.	ed (Jade	e-15	Z-A								۵				Ф		
	istri	licat	л эс	Pr	I-A								۵				Ф		
Legend	P - The land use is permitted by right in the zoning district indicated.	- The land use is prohibited in the zoning district indicated (Blank).	NOTE: An application for a Special Use Permit may be made for any lan	Types of Land Uses		Offices, health services	Offices, insurance agency	Offices, legal services - including court reporting	Offices, medical offices	Offices, real estate	Offices, security/commodity brokers, dealers, exchanges and financial services	Oil compounding and barreling plants	One family dwelling, detached	Outside storage (as primary use)	Paint manufacturing	Paper or pulp manufacture	Park and/or playground (private and public)	Parking lots (for passenger car only) (not as incidental to the main use)	Parking structure / public garage

Legend P – The land use is permitted by right in the zoning district indicated.	rict indica	ted.																												
- The land use is prohibited in the zoning district indicated (Blank).	ated (Blar	ر جر																												1
NOTE: An application for a Special Use Permit may be made for any land use not permitted in	made for	any	lanc	en l) not	peri	nitte	d in	any	any district,		эхсе	except PD	D.																
Types of Land Uses	Pre-1987 Zoning	Zoni	ng D	Districts	хts					Pos	Post-1987		Zoning		Districts	cts				•										
	E-3 B-5 B-1	I-8	НТ	HZ	C-1	C-2	C-3	r-M	Z-M	αчА	R-1A-43.5	St At-8	8 A1-A	8.9 A1-A	AS-A	R-3H R-3L	A1-8	B1-8	A-HT	A-HZ	A-UM	A-UM	A1-D	C-1B	C-2A	C-4∀	C-dB	CO	AS-M	\
Pawn shop				_	<u>а</u>	<u>_</u>		<u> </u>	Δ.												<u>а</u>	۵	Д	_	<u>_</u>	4	<u></u>	<u> </u>	۵	1
Personal watercraft sales (primarily new / repair)					Δ.	Δ.		۵	۵													Δ.		Δ.	_	4	_	Δ.	۵	
Pet shop / supplies (less than 10,000 sq. ft.)				_	Д	Δ.		۵	Δ.													<u> </u>	<u>_</u>	<u>_</u>	<u>a</u>			Δ.	<u> </u>	
Pet store (over 10,000 sq. ft.)		Ĺ				Δ.		۵	Δ.													۵		<u> </u>	a			Δ.	<u> </u>	
Petroleum or its products (refining of)																														195
Photo engraving plant		Ĺ				Δ.		۵	Δ.													Δ.						Δ.	Δ.	1
Photographic printing/duplicating/copy shop or printing shop				_	<u>а</u>	<u>_</u>		۵	۵												۵	Δ.	۵	Δ.	<u> </u>		Δ.	<u>_</u>	<u> </u>	1
Photographic studio (no sale of cameras or supplies)					<u>а</u>	Δ.	Ф	<u> </u>	۵												<u>_</u>	<u> </u>	۵	<u>a</u>	<u>-</u>	4	<u>а</u>	Δ.	<u>_</u>	1
Photographic supply				_	Ь	Δ.		۵	۵												۵	Δ.	Δ.	△	<u>-</u>	4	Ь	۵	Δ.	
Plant nursery (no retail sales on site)	<u>а</u>	۵		_	<u>а</u>	Δ.	۵	Δ.	Δ.	۵											<u>а</u>	Δ.	a	<u>a</u>	<u>a</u>			Δ.	۵.	1
Plant nursery (retail sales/outdoor storage)				_	<u>а</u>	Δ.		۵	۵												Д	۵	Д	<u>_</u>	<u> </u>	4	<u></u>	Δ.	Δ.	
Plastic products molding/reshaping								۵	۵													<u> </u>						Δ.	<u>_</u>	1
Plumbing shop				_	<u>م</u>	Δ.		۵	۵													<u> </u>		<u>_</u>	<u></u>			Δ.	<u>_</u>	1
Portable building sales						Δ.		₾	_													<u>_</u>		<u> </u>				_	<u>_</u>	

Pregend																																		
P – The land use is permitted by right in the zoning district indicated.	istrict	indi	icate	ğ.																														
- The land use is prohibited in the zoning district indicated (Blank).	dicate	d (B	lank	÷.																														
NOTE: An application for a Special Use Permit may be made for any land u	be ma	ıde i	for a	Iny I	and		not	se not permitted in	mitt	ed ii	n any	y di	district,		cep	except PD	<u>.</u>																	
Types of Land Uses	Pre-	.198	37 Z	Pre-1987 Zoning Districts	g Di	stric	ţs					т	ost	Post-1987		Zoning		Districts	cts															
	ŀ-Я	Z-8	E-3	1-8	HL	HZ	1-3	C-5	C-3	C-4	I-M	S-M	QQA 3 Ch Ah Q	R-14-43.5	S1A1-A	8 A1-A	8.9 A1-A	R-2A	B-3L	B-1A A1-3H	B-1B	A-HT	∀-HZ	A-UM	A-UM B-UM		C-1B	C 3V	C-2A	C-4A	C-4B	OO Ar-M	AS-M	\/ 7 A
Poultry killing or dressing for commercial purposes										_	П	<u> </u>																					Δ.	
Propane sales (retail)								-	<u>_</u>		П	<u> </u>													Δ.			Ф	_			Ф	Δ.	1
Public recreation/services building for public park/playground areas	<u>_</u>	<u> </u>	<u> </u>	Д.			<u>а</u>	а.	<u>а</u>	а.	<u>а</u>	<u></u>	ш.	<u>a</u>	<u> </u>		<u>a</u>	۵	<u> </u>	<u>_</u>				Δ.	₾	₾	۵	<u>Ф</u>	<u> </u>	<u> </u>	<u> </u>	<u>Ф</u>	₾	1
Publishing/printing company (e.g., newspaper)							ш.	Ф	<u>а</u>	ш.	д	<u> </u>													Δ.		۵	Δ	_			Δ.	Δ.	
Quick lube/oil change/minor inspection								<u>σ</u>	а.	Д.	а.	Δ.												_	Δ.	₾.	_	<u>Ф</u>	<u> </u>	<u>_</u>		₾.	_	196
Radio/television shop, electronics, computer repair							Д.	Т	<u>а</u>		Д.	Д.												<u>Ф</u>	<u>Ф</u>	<u>Ф</u>	Δ.	<u>Ф</u>	<u> </u>	Δ.	_	Ф	<u>Ф</u>	
Railroad roundhouses or shops																																		1
Rappelling facilities									-	<u>а</u>															<u>Ф</u>				<u>Ф</u>	<u> </u>	_	Ф	Δ.	
Recreation buildings (private)			Д				_	Д.	4	Т	4	<u></u>												Δ.	Δ.	<u>Ф</u>	Δ.	<u>Ф</u>	<u> </u>			<u>Ф</u>	Δ.	1
Recreation buildings (public)	<u>_</u>	<u></u>	<u> </u>	<u>-</u>	<u></u>	Д.	П.	<u>a</u>		а .	<u>-</u>	<u>a</u>	<u>_</u>	<u>_</u>	<u>_</u>	Д.	<u>_</u>	Δ.	<u>_</u>	<u>_</u>	Δ.	<u>Ф</u>	Δ.	Δ.	Δ.	Δ.	Δ.	<u>Ф</u>	<u>_</u>	<u>_</u>	<u>_</u>	<u>Ф</u>	Δ.	1
Recycling kiosk								Ф	<u></u>		Т	<u> </u>												Δ.	<u>Ф</u>	Δ.	Δ.					Δ.	Δ.	1
Refreshment/beverage stand						_	П	Д	Ч	П	Ч	<u>a</u>												Δ.	_	△	Δ.	∟	_	_		₾	_	1
Rental or occupancy for less than one month (see Sec. 5.17)			Д			-	Ч	д	Ч	Д								Ф	Д						Ф			Ф	<u> </u>					T
Research lab (non-hazardous)								ч	Д	_	Ь	Д													Ь		Ь	Ь	_		Ь	Ь	Ь	

Legend P - The land use is permitted by right in the zoning district indicated.	ict indica	ited.																													
- The land use is prohibited in the zoning district indicated (Blank).	ated (Bla	충.																													
NOTE: An application for a Special Use Permit may be made for any land use not permitted in	made for	any	land	en se	ou (per	mitte	əd in	any	/ dis	any district,	, ex	except PD	PD																	
Types of Land Uses	Pre-1987 Zoning	Zoni		Districts	sts					P	Post-19	1987	7 Zo	Zoning		Districts	"								•						
	E-3 B-5 B-1	I-8	HT	HZ	1-O	C-2	C-3	W-1 C-⊄	Z-M	Q9A	R-1A-43.5	St At-8	8 A1-Я	9.9 A1-A	AS-A	R-3L	HE-3H	Ar-8	B1-8	A-HT	A-HZ	A-UM	a-UM	A1-D	C-1B	C-2A	C-4A	C-4B	00	Ar-M	AS-M
Residential use in buildings with non-residential uses permitted in the district					<u> </u>	Д.	<u>a</u>										۵					L	۵			۵	۵	<u>_</u>	<u>_</u>		
Restaurant/prepared food sales					<u>а</u>	Д	Д	_	Δ.													_	<u> </u>	_	Δ.	۵	۵	<u>_</u>		Д	۵
Restaurant with drive through service					<u>-</u>	Д.	Д	<u>Ф</u>	۵													۵	<u> С</u>	۵	<u> </u>	۵	<u>а</u>	a		a	Д.
Retail store & shopping center without drive through service (50,000 sq. ft. bldg. or less)					<u> </u>	Д.	Д	<u>Ф</u>	Δ.													۵	<u> </u>	۵	۵	۵	Δ.	a		L	۵
Retail store & shopping center with drive through service (50,000 sq. ft. bldg. or less)					<u>а</u>	Д.	<u>а</u>	<u>α</u>	<u> С</u>													a	<u> </u>	Δ.	Δ.	<u> </u>	<u> </u>	<u>a</u>		<u>_</u>	<u>_</u>
Retail store & shopping center (more than 50,000 sq. ft. bldg.)					<u>а</u>	д	<u>م</u>	۵	Δ.														В		Δ.		<u> </u>	Ф		<u>a</u>	a
Retirement home/home for the aged	Д	<u> С</u>			<u>а</u>	д	Д									Д	۵						<u>_</u>	_	<u> </u>	<u> </u>			D		
Rock crushers and rock quarries																															
Rodeo grounds							۵	<u>Ф</u>	Д	Д													۵				۵			Д	۵
RV park						ш	Д																۵		۵		۵				
RV/travel trailer sales					_	Д	<u>а</u>	Δ.	Δ.														<u>_</u>		<u>_</u>	<u>_</u>	<u>_</u>			<u>_</u>	<u>_</u>
Sand/gravel sales (storage or sales)									<u>Ф</u>																						a
School, K-12 public or private	<u>а</u>	<u> С</u>	L	<u></u>	<u>а</u>	д	Д	∟	<u>Ф</u>	<u>Ф</u>	₾.	<u>Ф</u>	<u> </u>	₾	₾	Д	<u> </u>		<u>_</u>	<u> С</u>	<u> С</u>		<u>_</u>	_	<u> </u>	<u> </u>	<u>_</u>	<u>a</u>	<u>_</u>	<u>a</u>	a
School, vocational (business/commercial trade)					<u>а</u>	Д.	Д.	Ф	۵													Ф	_	Ф	Д	۵			_	Д	Д

Legend																																
P – The land use is permitted by right in the zoning district indicated.	strict in	dica	ted.																													
- The land use is prohibited in the zoning district indicated (Blank).	icated (Blar	.(کار																													
NOTE: An application for a Special Use Permit may be made for any	e made	e for	any		nsı	and use not permitted in	t pe	rmit	ed i	n any	y di	district,		except PD	Jt P	<u>ن</u>																
Types of Land Uses	Pre-1987 Zoning Districts	. 786	Zoni	ng D	istri	cts					F	Post-1987	-198		Zoning		Districts	StS											•			
	R-1	F-3	1-8	НТ	HZ	L-3	C-5	C-3	C-4	I-M	Z-M	QQA 3 Ch Ah Q	R-1A-43.5	R-1A 12	8 A1-A	8.9 A1-A	R-2A	R-3H R-3H	A1-8	B-1B	A-HT	∀-HZ	A-UM	a-UM	C-1A	C-1B	C-2A	V7-3	C-4B	00	A1-M	AS-M
Security monitoring company (no outside storage or installation)						<u> </u>	<u> </u>	<u> </u>	4	а.	<u>_</u>												۵	Д	Δ.	۵	Д	۵	۵	۵	<u>_</u>	<u>Ф</u>
Security systems installation company							<u>-</u>	a		4	<u> </u>												Δ.	۵	Δ.	_	Д				۵	Ф
Sexually oriented business (see Chapter 18, Code of Ordinances)																																
Sheet metal shop										д.	<u> </u>													<u>Ф</u>							<u> </u>	<u> С</u>
Shoe repair shops						<u>_</u>	<u> </u>	Д		А	Д												Δ.	۵	Δ.	Δ.	Д	۵	۵	۵	۵	<u>Ф</u>
Shooting gallery - indoor (see Sec. 5.13)										4	<u></u>													۵		Δ.					۵	<u>Ф</u>
Shooting range - outdoor (see Sec. 5.13)																																
Shopping center																							₾	۵	<u> </u>	₾	Д				<u> </u>	Ф
Sign manufacturing/painting plant								۵		Д	Д.													۵		۵					۵	Δ.
Single family industrialized home (see Sec. 5.8)	<u>а</u>	<u></u>	Δ.		<u>a</u>	<u> </u>	<u> </u>	<u>а</u>	<u>а</u>		_	<u>а</u>		Д	д.	<u>а</u>	0		<u>Ф</u>	Δ.		₾		Δ.						Δ.		
Smelting of tin, copper, zinc or iron ores																																
Specialty shops in support of project guests and tourists								_	Д														<u>Ф</u>	Ь		Δ.	Ь	Д	Ф		<u></u>	Ф
Stables (as a business) (see chapter 6, municipal code)	_										_	<u> </u>																				
Stables (private, accessory use) (see chapter 6, municipal code)	Ь										_	L																				

Legend P - The land use is permitted by right in the zoning district indicated	trict indicated																											
The land use is prohibited in the zoning district indicated (Blank).	cated (Blank).																											
NOTE: An application for a Special Use Permit may be made for any I	made for any	land use not permitted in any district, except PD	ise n	ot pe	rmitte	ni þe	any	distr	ict, 6	өхсө	pt P	Ö.																
Types of Land Uses	Pre-1987 Zoning	ng Dis	Districts					Post-1	it-19	2 286	Zoning		Districts	cts														
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Steel furnaces																												
Stockyards or slaughtering																												
Stone/clay/glass manufacturing						Δ.	Δ.																					Д
Storage - exterior storage for boats and recreational vehicles					<u>а</u>	<u>_</u>	Д													۵				۵	_		<u> </u>	Д
Storage in bulk				۵	Д	<u>Ф</u>	۵													Д			<u> С</u>				<u> С</u>	Ф
Structural iron or pipe works																												
Studio for radio or television - without tower (see zoning district for tower authorization)			۵	<u>a</u>	<u>_</u>	Δ.	Ъ													Ф		۵	<u>Ф</u>				a	<u>а</u>
Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)				_	Q	Δ.	Δ.												۵	Δ.	۵	۵	<u> </u>	۵	<u>_</u>		<u>_</u>	۵
Sugar refineries																												
Tailor shop (see home occupation)			۵	_	۵	Δ.	Δ.												<u>Ф</u>	Δ.	۵	۵	<u> </u>	۵	<u> </u>		<u>_</u>	Ф
Tar distillation or manufacture																												
Tattoo or body piercing studio					۵	Δ.	<u>Ф</u>												<u>Ф</u>	<u> С</u>		۵		۵	<u>_</u>		<u>_</u>	Д
Taxidermist					L	<u> С</u>	۵													<u> С</u>		۵.	<u> </u>				a	Д
Telecommunications towers/antennas (see Sec. 5.7)																												
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Legend P – The land use is permitted by right in the zoning district indicated	rict indic	ste																												
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Telemarketing agency					۵	_	<u>_</u>	Д.	<u>а</u>	_											□	Ф	a	<u> </u>	ட	_	<u>a</u>	<u> </u>	<u>а</u>	1
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Tennis court (commercial)						<u>_</u>	<u>_</u>	Д.	<u>а</u>	0												Ф		Δ.	<u> </u>	_	<u>a</u>	4	<u>а</u>	1
Theater (non-motion picture; live drama)					۵	<u>_</u>	_	Д.	<u>а</u>	0											<u>Ф</u>	Ф	<u>Ф</u>	۵.	<u> </u>	_		<u> </u>	<u>а</u>	1
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Tool rental					_	<u>_</u>	<u>_</u>		<u>а</u>												<u>Ф</u>	Ф.	<u> </u>	<u> </u>	ட	a		-	<u>م</u>	1
Townhouse (attached)			₾																Δ.		۵	Д						Д.		
Transfer station (refuse/pick-up)							<u>_</u>		<u>а</u>	0																			<u>م</u>	1
Travel agency					۵	_	۵	Д.	<u>а</u>												<u>Ф</u>	Ф	<u>Ф</u>	<u> </u>	_	_	_	4	<u>а</u>	1
Truck or transit terminal									<u>а</u>	0												۵			<u> </u>				<u>م</u>	1
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Tuber entrance and takeout facilities (see Sec 5.13)																														
University or college (public or private)					۵	Δ.	<u>-</u>	4	<u>а</u>	0						L	<u>م</u>				<u>Ф</u>	Ф	<u>Ф</u>	<u> С</u>	L	<u> </u>	L	Д.	<u>а</u>	ı
Upholstery shop (non-auto)					L	۵	a		Д													Д		۵	۵			_	<u>а</u>	

Legend P – The land use is nermitted by right in the zoning district indicated	strict indicate	_																												
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Used or second hand merchandise/furniture store					<u>Ф</u>	Ъ		<u>_</u>	<u>a</u>													<u> </u>	<u></u>	<u> </u>	Ф				۵	۵
Vacuum cleaner sales and repair				₾	<u> </u>	Ф		ட	_												_		<u>а</u>	<u>_</u>	<u>_</u>				_	۵
Vehicle storage facility																								ш	<u> </u>					
Veterinary hospital (no outside animal runs or kennels)						Ф		<u> </u>	<u>_</u>												Δ.		Д	<u> </u>	Δ.	_			Δ.	<u> </u>
Veterinary hospital (with outdoor animal runs or kennels that may not be used between the hours of 9:00 p.m. and 7:00 a.m.)						Ь		Ф	Д																				Δ.	Ф
Video rental / sales				<u> </u>	Δ_	Д	<u>Ф</u>	Δ.	Δ.												Δ		<u>а</u>	<u> </u>	Δ_		<u>Ф</u>		Δ_	Δ.
Warehouse / office and storage / distribution center					Δ.	Д		۵	<u>a</u>													ш	<u>م</u>						۵	۵
Waterfront amusement facilities - berthing facilities sales and rentals					△	Ъ	۵.	<u> </u>	<u>a</u>													<u> </u>	<u> </u>			Δ.			۵	<u> </u>
Waterfront amusement facilities - boat fuel storage/dispensing facilities					۵.	Ъ	۵	<u> </u>	<u>a</u>													<u> </u>	<u> </u>			<u> С</u>			۵	<u> </u>
Waterfront amusement facilities - boat landing piers/launching ramps					<u> С</u>	Ъ	۵	<u> С</u>	<u>م</u>													ш.	<u>. </u>			Ь			<u> С</u>	۵
Waterfront amusement facilities - swimming/wading pools/bathhouses					Ь	Ь	Д	Д	Д													ш.	Д.	Д	Д_	Д.	Ь		Ь	Ф
Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system	<u>а</u>	Ч	Р	Ф	<u>Ф</u>	Ь	۵	۵	<u>م</u>	Д	Д	۵	۵	Д	<u></u>	Д	Д.	Ь	Ч	Ь	Р		Р	Д	Д	<u> </u>	<u>Ф</u>	Ф	۵	۵
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Pegend	
P – The land use is permitted by right in the zoning district indicated.	district indicated.
- The land use is prohibited in the zoning district indicated (Blank).	idicated (Blank).
NOTE: An application for a Special Use Permit may be made for any	be made for any land use not permitted in any district, except PD.
Types of Land Uses	Pre-1987 Zoning Districts Post-1987 Zoning Districts
	R-18 R-18 C-48 C-48 C-48 C-48 C-48 C-18 C-18 C-18 C-18 R-18
Wholesale sales offices and sample rooms	
Wire or rod mills	
Wood distillation plants (charcoal, tar, turpentine, etc.)	
Woodworking shop (ornamental)	
Wool scouring	
Zero lot line / patio homes	d. d. d.

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SECTION 6

THAT it is hereby declared to be the intention of the City Council that the sections,

paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase,

clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final

judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of

the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 7

THAT, all provisions of the Code of Ordinances of the City of New Braunfels not herein

amended or repealed shall remain in full force and effect.

SECTION 8

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed

to the extent of such conflict only.

SECTION 9

THAT in accordance with the provisions of the City Charter, this Ordinance may be read

and published by descriptive caption only. This Ordinance has been publicly available in the office

of the City Secretary prior to its adoption.

SECTION 10

THAT this Ordinance shall become adopted and effective upon its second reading,

signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must

also be published in a newspaper of general circulation at least one time within ten (10) days after

its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First Reading this the 28th day of May, 2019.

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PASSED AND APPROVED: Second and Final 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	



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. F)

Presenter/Contact Garry Ford, City Engineer (830) 221-4020 - gford@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance to install an all-way stop at the intersection of Oak Run Parkway and Westpointe Drive.

BACKGROUND / RATIONALE:

Council District: 3

City Council unanimously approved the first reading of an ordinance to install an all-way stop at the intersection of Oak Run Parkway and Westpointe Drive on May 28, 2019.

Engineering staff received requests for an all-way stop at the intersection of Oak Run Parkway and Westpointe Drive due to concerns about sight distance and intersection safety. The intersection has four approaches: two on Oak Run Parkway, one from Westpointe Drive, and one private driveway to an undeveloped parcel. Oak Run Parkway is classified as a major collector and is the major street at this intersection. There is currently a stop sign on Westpointe Drive at this intersection.

An engineering review was conducted in accordance with the *Texas Manual on Uniform Traffic Control Devices* (TMUTCD). Based on the stop sign criteria, this intersection does not meet the warrants for an all-way stop condition at this time. Traffic on Westpointe Drive represents only 15% of traffic at the intersection and there was one reported traffic crash in a twelve-month period.

Based on comments received from residents during the April Transportation and Traffic Advisory Board meeting, sight distance for the left turn from Oak Run Parkway onto Westpointe Drive was studied. The results of this study show that the center median obstructs the 245 feet of sight distance needed to turn left from the turn lane on Oak Run Parkway onto Westpointe Drive. The available sight distance is 210 feet.

An obstruction of intersection sight distance is not justification for the installation of an otherwise unwarranted all-way stop. Staff recommends installing an intersection warning sign with a 20 mile per hour advisory speed plaque for traffic travelling southbound on Oak Run Parkway in advance of the intersection with Westpointe Drive. Additionally, staff recommends that the median be modified to improve the intersection sight distance.

Installation of an all-way stop that does not meet the warrants specified in the TMUTCD could lead to stop compliance issues and traffic safety issues. This is already an ongoing problem at a similar intersection, Oak Run Parkway and Hunters Creek Drive. Staff has conducted observations at this intersection that had over 20% of vehicles not complying with the all-way stop during peak hour

traffic.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Envision New Braunfels Strategy 7: Connect All: Action 7.16: Develop a program and process for consideration of citizen requests for neighborhood traffic calming.

FISCAL IMPACT:

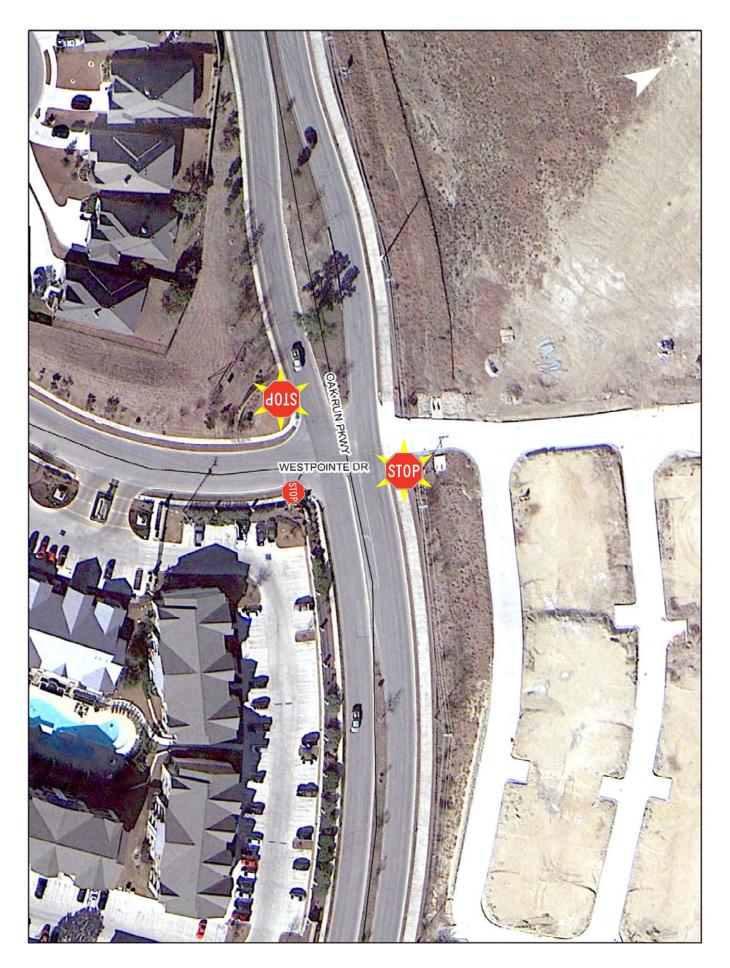
Traffic control signs cost approximately \$150 each. Sufficient funding is available in the FY18-19 approved street and drainage budget.

COMMITTEE RECOMMENDATION:

This request was considered by the Transportation and Traffic Advisory Board at their meeting on April 11, 2019. The Board recommended that an all-way stop be installed on a motion that passed with three members in favor and one abstaining.

STAFF RECOMMENDATION:

Staff does not recommend the installation of an all-way stop at the intersection of Oak Run Parkway and Westpointe Drive at this time. Staff recommends the installation of an intersection warning sign with a 20 mile per hour advisory speed plaque and median modification to improve intersection sight distance.



Requested all-way stop at Oak Run Parkway and Westpointe Drive



Proposed intersection warning sign on Oak Run Parkway



memorandum

TO:

Mary K. Hamann, PE

Engineer

Public Works, City of New Braunfels

FROM:

James A. Robertson, PhD, PE, PTOE, RSP

Project Manager Lee Engineering

RE:

Multiway Stop Control Warrant Study Results Summary

Oak Run Parkway and Westpointe Drive, New Braunfels, Texas

DATE:

February 22, 2019

Lee Engineering has completed a multiway stop control warrant analysis for the intersection of Oak Run Parkway and Westpointe Drive in New Braunfels, Texas. The study was completed for the Task Order #12 – All-way Stop Control Analysis. At this time, Oak Run Parkway and Westpointe Drive operates as a one-way stop control intersection, with a stop sign on the northbound approach of Westpointe Drive.

The multiway stop control warrant analysis was conducted using 24-hour approach volumes collected on Thursday, January 31, 2019.

Based on the existing traffic volumes and this multiway stop control warrant analysis, all-way stop warrants are not satisfied for the intersection of Oak Run Parkway and Westpointe Drive. Additionally, the intersection of Oak Run Parkway and Westpointe Drive does not meet any additional criteria for the potential installation of a multiway stop. A summary of the results is shown in the table below:

Warrant	Warrant Met?	Notes
A – Interim measure until signal installation	NO	Traffic signal is not planned
B – Crash Warrant	NO	Crash history does not meet warrants
C & D – Minimum Traffic Volumes	NO	Average volumes do not exceed requirements

A multiway stop is NOT recommended at this intersection at this time.

Please see the attached study for further detail. If you have any questions regarding this study, please contact me at (210) 561-5411. We appreciate the opportunity to provide these services.

All-Way Stop Control Warrant Analysis Task Order #12 – All-way Stop Control Analysis

Oak Run Parkway and Westpointe Drive City of New Braunfels, Texas

Prepared for:
City of New Braunfels
Public Works
550 Landa Street
New Braunfels, Texas 78130

Prepared by:

LEE ENGINEERING 9901 IH-10 W, Suite 680

San Antonio, Texas 78230

(210) 561-5411 TBPE Firm F-450

February 2019

INTRODUCTION

The City of New Braunfels has requested that an analysis be conducted to determine if multiway stop control is warranted at the intersection of Oak Run Parkway and Westpointe Drive. This report summarizes the results of the multiway stop control warrant analysis conducted for this intersection.

The analysis was performed using existing turning movement volumes collected over a 24-hour period on Thursday, January 31, 2019, which are summarized in **Table 1**, with the raw data presented in the Appendix.

The analysis is based on the multiway stop control warrants contained in Chapter 2B, "Regulatory Signs", of the 2011 Texas Manual on Uniform Traffic Control Devices (Texas MUTCD). Three warranting criteria are included in the Texas MUTCD for multiway stop sign installation. These warrants are:

- A. Installing multiway stop control as an interim measure while arrangements are being made for a traffic signal installation;
- B. A crash warrant; and
- C & D. Minimum traffic volumes.

Oak Run Parkway is a four-lane divided roadway with a posted speed limit of 30 miles per hour (mph). At the study intersection, Oak Run Parkway is an eastbound-westbound roadway with two through lanes in each direction and a left turn lane on the eastbound approach of Westointe Drive. Westpointe Drive is a two-lane undivided roadway with a posted speed limit of 30 mph. At the study intersection, Westpointe Drive is a northbound-southbound roadway with one lane in each direction. The intersection of these two streets consists of three approaches, the eastbound and westbound approaches of Oak Run Parkway, and the northbound approach of Westpointe Drive. Currently, the intersection is stop-controlled on the Westpointe Drive approach. Based on the traffic volumes at this intersection, Oak Run Parkway is considered the *Major Roadway* for this analysis with multi-lane approaches (two lanes in each direction). Westpointe Drive will be considered a *Minor Roadway* with a single lane approach. An aerial photograph of the intersection is provided in **Figure 1**.

Table 1: Volume Summary

Hour	Oa	k Run Parky	vay	w	estpointe Dr	ive
Begin	EB Volume	WB Volume	Total Volume	NB Volume	SB Volume	Total Volume
0:00	7	19	26	2		2
1:00	4	8	12	0		0
2:00	1	6	7	1		1
3:00	1	6	7	6	500 Est 491	6
4:00	8	5	13	9		9
5:00	26	12	38	30		30
6:00	101	70	171	80		80
7:00	226	248	474	111	ya	111
8:00	219	231	450	93		93
9:00	140	146	286	67		67
10:00	133	169	302	62		62
11:00	156	200	356	62		62
12:00	181	206	387	82	SHE BUT SHE	82
13:00	144	225	369	75	See and de-	75
14:00	163	242	405	73	B1 00 20	73
15:00	204	264	468	60		60
16:00	217	348	565	78	No. 146 148	78
17:00	225	388	613	84	12 to 14	84
18:00	134	250	384	73		73
19:00	68	189	257	32		32
20:00	47	128	175	15		15
21:00	26	82	108	18		18
22:00	12	55	67	6		6
23:00	2	32	34	5	4444	5
TOTAL	2,445	3,529	5,974	1,124	0	1,124

^{*}Highlighted cells indicate the highest 8 hours of major street traffic volumes entering the intersection.



Figure 1: Oak Run Parkway at Westpointe Drive

<u>MULTIWAY STOP CONTROL WARRANT ANALYSIS</u>

Warrant A

The first warrant allows for multiway stop control as an interim measure to control traffic while arrangements are being made for a traffic signal installation, if the traffic signal is warranted and urgently needed. Since a traffic signal has not been warranted at the intersection and it does not appear that the current volumes would meet one of the first two signal warrants for the intersection, Warrant A is NOT met for the intersection of Oak Run Parkway and Westpointe Drive.

Warrant B

Warrant B is satisfied when five or more reported crashes, of the type susceptible to correction by a multiway stop control installation, have occurred within a 12-month period. Crash data for the study intersection was obtained from the TxDOT Crash Records Information System (C.R.I.S) for the most recent 36-month period. Based on the crash records provided by the City of New Braunfels, 3 crash occurred within the most recent 36-month period, with a only 1 correctible crash occurring within a 12-month period. Therefore, Warrant B is NOT met for the intersection of Oak Run Parkway and Westpointe Drive.

Warrants C & D

Warrants C & D are based on minimum traffic volumes and delays. Both warrants must be met in order to justify an all-way stop.

Warrant C. The total vehicular volume entering the intersection from the major street approaches (total of both approaches) must average at least 300 vehicles per hour (vph) for any eight (8) hours of an average day, and

Warrant D. The combined vehicular, pedestrian, and bicycle volume from the minor street must average at least 200 units per hour for the same eight (8) hours, with an average delay to minor street vehicular traffic of at least 30 seconds per vehicle during the maximum hour.

These criteria may be reduced to 70 percent of the above requirements when the 85th percentile speed exceeds 40 mph on the major street. Since the 85th percentile speed on the major street (Oak Run Parkway) is less than 40 mph (30 mph), the reduced warranting threshold was not used for this warrant. The hourly traffic volumes were summarized in Table 1 and included in the Appendix.

The eight (8) hourly periods with the highest number of vehicles entering the intersection were identified and noted in Table 1. The average major street vehicular volume entering each intersection was calculated and compared to the criteria contained in Warrant C. **Table 2** summarizes the peak hour and average total vehicular volume entering the intersection from the major street and compares these values to the criteria in Warrant C.

Table 2: Major Street (Oak Run Parkway) Traffic Volumes

		Volume	s (vph)	
Intersection	D - 1- II	8 Hour	Warrai	nt C
	Peak Hour	Average	Requirement	Met?
Oak Run Parkway and Westpointe Drive	5:00 p.m.	460	300	YES

Based on the collected data, the average eight (8) hour major street vehicular volume entering this intersection (460 vph) does meet the minimum volume criteria (300 vph) identified in Warrant C.

The average minor street entering volumes were also determined for the same eight (8) hours and compared to the criteria contained in Warrant D. **Table 3** summarizes the average hourly volume entering the intersection from the minor street and compares the values to the criteria in Warrant D.

Table 3: Minor Street (Westpointe Drive) Traffic Volumes

		Volume	s (vph)	
Intersection	D - 1 II	8 Hour	Warrai	nt D
	Peak Hour	Average	Requirement	Met?
Oak Run Parkway and Westpointe Drive	7:00 a.m.	82	200	No

Based on the results shown in Table 3, the average eight (8) hour minor street volume entering the intersection (82 vph) does not satisfy the minimum volume criteria (200 vph) identified in Warrant D. Because Warrant D did not meet the minimum volume criteria, further evaluation of average minor street delay was not performed.

Given the existing traffic volumes at the study intersection, <u>Warrants C & D are NOT satisfied</u> for the intersection of Oak Run Parkway and Westpointe <u>Drive.</u>

Optional Considerations for Multiway Stop Control Studies

In addition to the warrants above, the *Texas MUTCD* (Sec. 2B.07) allows for other criteria to be considered for the potential installation of a multiway stop. This includes the need to control left-turning conflicts, control vehicle and pedestrian conflicts near locations that generate high pedestrian volumes, provide safe turning movements where sight visibility is an issue, improve traffic operational characteristics of the intersection, or identify priority at "an intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multiway stop control would improve traffic operational characteristics of the intersection."

Oak Run Parkway and Westpointe Drive are similar in that they both operate as collector streets. Neither street has houses fronting it; however, Westpointe Drive is stop-controlled and functions

minor collector street. Oak Run Parkway functions as a major collector street and connects two highways, carrying higher volumes than Westpointe Drive.

Sight Distance

As part of this study, sight distance on the minor street (Westpointe Drive) approach to the intersection was assessed. On the stop-controlled approaches, the motorist should be able to see if and when adequate gaps exist to perform their desired maneuver.

The sight distance required for the stop-controlled approaches was estimated using the procedures developed by the American Association of State Highway and Transportation Officials (AASHTO) and published in the 2011 edition of *A Policy on Geometric Design of Highways and Streets*, as provided on the City of New Braunfels field assessment form. **Table 4** presents the required and available sight distance for vehicles turning onto Oak Run Parkway at Westpointe Drive.

Table 4: Sight Distance Evaluation

Major Roadway	Oak Run Parkway
Posted Speed Limit	30 mph
Minor Roadway	Westpointe Drive
Approach	Northbound
Required Intersection Sight Distance to the Left	290 feet
(Right turn from stop)	
Required Intersection Sight Distance to the Right (Left turn or through from stop)	335 feet
Available Sight Distance to the Left	300 feet
Available Sight Distance to the Right	425 feet
Sight Distance Available > Required	
To the Left	Yes
To the Right	Yes

As shown in Table 4 and based on a comparison of the field investigation results, the required sight distance is currently available for the northbound approach of Westpointe Drive at Oak Run Parkway.

CONCLUSION

Based on the existing traffic volumes and this multiway stop control warrant analysis, warrants are not satisfied for the intersection of Oak Run Parkway and Westpointe Drive. A summary of the multiway stop-control warrants is provided in **Table 5**.

Table 5: Warrant Summary - Oak Run Parkway and Westpointe Drive

Warrant	Warrant Met?	Notes
A – Interim measure until signal installation	NO	Traffic signal is not planned
B – Crash Warrant	NO	Crash history does not meet warrants
C & D – Minimum Traffic Volumes	NO	Average volumes do not exceed requirements

Additionally, the intersection of Oak Run Parkway and Westpointe Drive does not meet any additional criteria for the potential installation of a multiway stop. Based on the existing volumes, lack of reported accidents, and the *Texas MUTCD* allowances for other criteria, **a** multiway stop is NOT recommended at this intersection at this time.

If you have any comments or questions regarding this study, please feel free to contact us at your convenience.

APPENDIX

Thu Jan 31, 2019

Full Length (12 AM-12 AM (+1))
All Classes (Motorcycles, Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk)

All Movements ID: 616231, Location: 29.713044, -98.166212, Site Code: 1

Provided by: C. J. Hensch & Associates Inc. 5215 Sycamore Ave., Pasadena, TX, 77503, US

Le g	100	0.00			od I	Entr	/Ext	- 10	Dak Run Westbou	332233					Westpoi Northbo					- 1	Oak Run Eastboun	110000					
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12:30AM	-	0	0	0	0	_	0	0	0	1	1	0	2	0		0	0	0	0	0	0	1	0	0	1	0	
12:45AM	-	0	0	0	0	_	0	0	0	3	2	0	5	0		0	0	0	0	0	0	2	0	0	2	0	
Hourly Total	-	0	0	0	0	_	0	0	0	11	8	0	19	0		0	0	0	2	0	0	7	0	0	7	0	
1:00 AM	-	0	0	0	0	_		0	0	0	1	0	1	0		0	0	0	0	0	0	0	0	0	0	0	
1:15AM	-	0	0	0	0	_	0	0	0	1	1	0	2	0		0	0	0	0	0	0	3	0	0	3	0	
1:30 AM	-	0	0	0	0	_	0	0	0	1	0	0	1	0		0	0	0	0	0	0	1	0	0	1	0	
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2:00 AM	-	0	0	0	0		0	-	0	_	0	0	1	0		0	0	0	0	0	0	0	0	0	0	0	
2:15 AM	-	0	0	0	0	_	0	0	0	2	0	0	2	0	_	0	0	0	0	0	0	1	0	0	1	0	_
2:30AM	-	0	0	0	0	_	_	-	0	0	1	0	1	0	_	0	0	0	1	0	0	0	0	0	0	0	-
2:45AM	-	0	0	0	0	_	0	0				_	6	0	_	0	0	0	1	0	0	1	0	0	1	0	100
Hourly Total	-	0	0	0	0	_	0	0	0	3	3	0	1	0		0	1	0	2	0	0	0	0	0	0	0	-
3:00AM	-	0	0	0	0	_	0	0	0	1	0	_		_					0	0	0	0	0	0	0	0	
3:15AM	-	0	0	0	0	_	0	0	0	1	1	0	2	0		0	0	0	1	0	0	0	0	0	0	0	_
3:30AM	-	0	0	0	0	_	0	0	0	0	1	0	2	0		0	0	0	3	0	0	1	0	0	1	0	_
3:45AM	-	0	0	0	0		0	0	0	1	1	0		0		0	2	0	6	0	0	1	0	0	1	0	
Hourly Total	-	0	0	0	0	_	0	0	0	3	3	0	6	_				0	3	0	0	1	0	0	1	0	
4:00AM	-	0	0	0	0	_	0	0	0	0	3	0	3	0		0	1	0	1	0	0	2	0	0	2	0	_
4:15AM	-	0	0	0	0	_	0	0	0	0	0	0	0	_				_		0	0	3	0	0	3	0	_
4:30AM	_	0	0	0	0	_	0	0	0	0	0	0	0	0		0	0	0	2	0	0	2	0	0	2	0	
4:45 AM	-	0	0	0	0	_	0	0	0	1	1	0	2	0		0	0						_	0	8	0	
Hourly Total	_	0	0	0	0	_	0	0	0	1	4	0	5	0		0	1	0	9	0	0	5	0	0	5	0	
5:00AM	-	0	0	0	0		0	0	0	3	0	0	3	0		0	2	0	6	0	0			0	2	0	-
5:15AM	-	0	0	0	0	_	0	0	0	1	2	0	3	0		0	0	0	8	0	0	2	0		7	0	-
5:30AM	-	0	0	0	0	_	0	0	0	0	0	0	0	0		0	0	0	6	0	0	7	0	0	12	0	-
5:45AM	-	0	0	0	0		0	0	0	4	2	0	6	0		0	2	0	10	0	0	12	0	0		0	
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6:30AM	_	0	0	0	0	_	0	0	0	10	5	0	15	0		0	5	0	25	0	2	17	0	0	19	0	-
6:45 AM	_	0	0	0	0	_	0	0	0	24	10	0	34	0		0	8	0	22	0	3	27	0	0	30		
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7:15AM	М	0	0	0	0	-	0	0	0	45	4	0	49	0	-	0	12	0	33	0	2	52	0	0	54	0	
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9:15AM	-	0	0	0	0		0	0	0	25	6	0	31	C		0	2	0	21	0	4	39	0	1	44	0	-
9:30AM	М	0	0	0	0	1	0	0	0	20	12	0	32	C		0	4	0	14	1	0	37	0	0	37	0	-
9:45 AM	М	0	0	0	0		0	0	0	30	17	0	47	C		0	4	0	18	0	6	30	0	0	36	0	-
Hourly Tota	al	0	0	0	0		0	0	0	102	43	1	146	C		0	13	0	67	1	10	129	0	1	140	1	
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10:15 AM	М	0	0	0	0		0	0	0	24	14	0	38	(14	0	4	0	18	0	1	32	0	0	33	0	-
10:30AM	М	0	0	0	0)	0	0	0	29	12	0	41	C	11	0	2	0	13	0		32	0	0	35	0	-
10:45 AM	М	0	0	0	0)	0	0	0	28	12	0	40	(13	0	5	0	18	0	3	43	0	1	47	0	-
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11:45 AN	-	0	0	0	0)	0	0	0	33	16	0	49	(13	0	1	0	14	0	2	38	0	0	40	0	L
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		+					0	-							0	0	0	0	0		0	0	0	0	0		0

Leg	Neighborhood Entr / Ext	Oak Run	Pkwy				١	Westpointe L)r			Oak Run	-				
Direction	Southbound	Westbou	nd				1	Northbound				Eastbour	ıd				
Time	R T L UApp Ped*	R	T	L	U	App Ped	*	R T	L	U	App Ped*	R	T L	U	App P	e d*	Int
% Bicycles on Road	0% 0% 0% 0%	0%	0%	0%	0%	0%	-	0% 0%	0%	0%	0% -	0%	0% 0%	0%	0%	-	0%
Pedestrians	13	-	-	-	-	- (0		-	-	- 20	•		-	-	10	
% Pedestrians	100%	-	-	-	-	-	-		-	-	- 100%	-		-	- 10	0%	-
Bicycles on Crosswalk	0	-	-	-	-	- (0		-	-	- 0	٠		-	-	0	
% Bicycles on Crosswalk	0%	-	-	-	-	-	-		-	-	- 0%	-			-	0%	_

^{*}Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Jan 31, 2019

Full Length (12 AM-12 AM (+1))

All Classes (Motorcycles, Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk)

All Movements

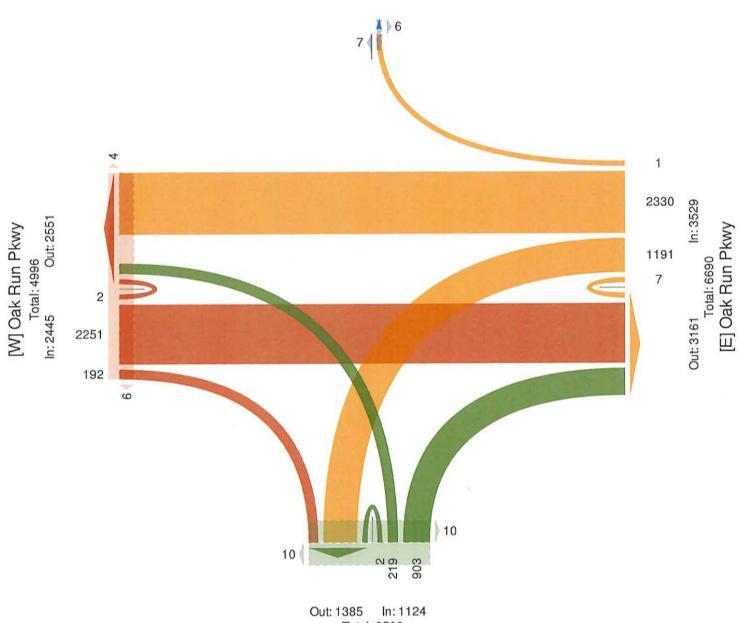
ID: 616231, Location: 29.713044, -98.166212, Site Code: 1



Provided by: C. J. Hensch & Associates Inc. 5215 Sycamore Ave., Pasadena, TX, 77503, US

[N] Neighborhood Entr / Ext Total: 1

In: 0 Out: 1



Total: 2509 [S] Westpointe Dr

Thu Jan 31, 2019

AM Peak (Jan 31 2019 7:15AM - 8:15 AM)

All Classes (Motorcycles, Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians,

Bicycles on Road, Bicycles on Crosswalk)

All Movements

ID: 616231, Location: 29.713044, -98.166212, Site Code: 1

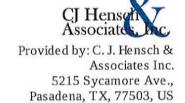


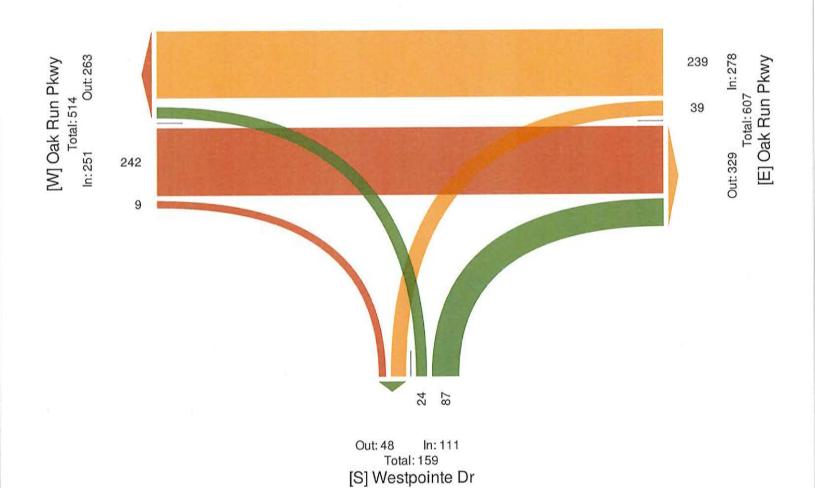
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Leg	Ne	igl	nbo	rho	od	Entr /	Ext	Oak	Run Pk	wy				Westpo	inte	Dr					ın Pkw	у				
Direction	So	uth	ıbo	und				Wes	tbound	11.81				Northb	oun	d				Eastbo	und					
Time		R	Т	L	U	Ј Арр	Pe d*	R	Т	L	U	App Pe	d #	R	Т	L	U	App P	2 d *	R	T	L	U	App F	ed*	Int
2019-01-31 7:15AM		0	0	0	0	0	0	0	45	4	0	49	0	21	0	12	0	33	0	2	52	0	0	54	0	136
7:30AM		0	0	0	0	0	0	0	55	11	0	66	0	23	0	3	0	26	0	5	60	0	0	65	0	157
7:45AM		0	0	0	0	0	0	0	80	10	0	90	0	27	0	4	0	31	0	0	66	0	0	66	0	187
8:00AM		0	0	0	0	0	0	0	59	14	0	73	0	16	0	5	0	21	0	2	64	0	0	66	0	160
Total		0	0	0	0	0	0	0	239	39	0	278	0	87	0	24	0	111	0	9	242	0	0	251	0	640
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% Total	0%	6 0	%	0%	0%	0%	-	0%	37.3%	6.1%	0%	43.4%	-	13.6%	0%	3.8%	0%	17.3%	ù	1.4%	37.8%	0%	0%	39.2%	-	
PHF	Г	-		-	15		-	-	0.747	0.696	-	0.772	-	0.806	-	0.500	-	0.841	-	0.450	0.917	- 2	-	0.951	_	0.856
Motorcycles		0	0	0	0	0		0	0	0	0	0	-	0	0	0	0	0	-	0	0	0	0	0	-	(
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Buses		0	0	0	0	0	-	0	1	0	0	1	-	0	0	0	0	0		0	0	0	0	0	17	
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^{*}Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Jan 31, 2019
AM Peak (Jan 31 2019 7:15AM - 8:15 AM)
All Classes (Motorcycles, Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk)
All Movements
ID: 616231, Location: 29.713044, -98.166212, Site Code: 1





Thu Jan 31, 2019

Midday Peak (Jan 31 2019 12PM - 1 PM)

All Classes (Motorcycles, Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk)

All Movements

ID: 616231, Location: 29.713044, -98.166212, Site Code: 1



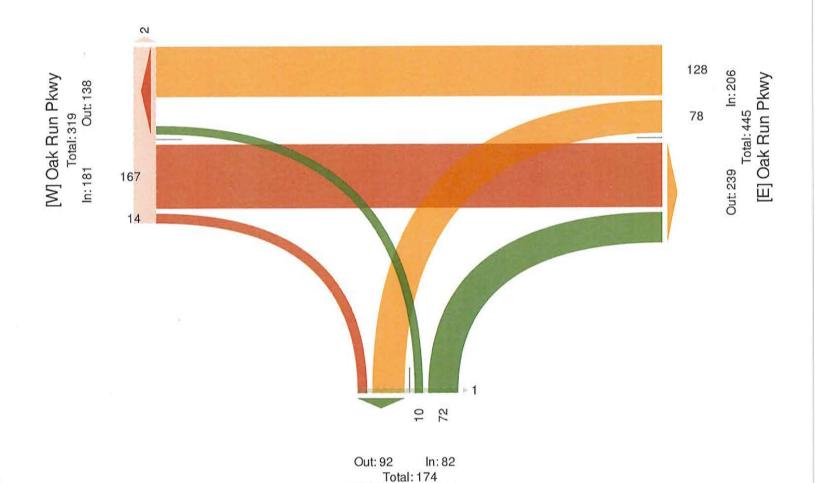
Provided by: C. J. Hensch & Associates Inc. 5215 Sycamore Ave., Pasadena, TX, 77503, US

Leg	Ne	igh	bo	rhod	od !	Entr / E	xt	Oak	Run Pk	wy				Westpo							un Pkw	y				
Dire ction	So	uth	boı	und				Wes	tbound					Northb	oun	d -				Eastbo	ound					
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12:15PM	(0	0	0	0	0	0	0	33	21	0	54	0	18	0	1	0	19	0	4	34	0	0	38	0	11
12:30PM	(0	0	0	0	0	0	0	26	18	0	44	0	18	0	1	0	19	1	3	40	0	0	43	2	10
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PHF		-	-	-			7		0.780	0.929	-	0.873	-	0.947		0.500		0.854	-	0.875	0.852	-	-	0.854	-	0.90
Motorcycles	(0	0	0	0	0		0	0	0	0	0	-	0	0	0	0	0	-	0	0	0	0	0		
% Motorcycles	0%	6 0	% ()% (0%		- 2	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0%	0%	0%	0%	0%	-	0
Lights	(0	0	0	0	0	-	0	125	67	0	192		63	0	10	0	73	-	14	163	0	0	177		44
% Lights	0%	6 0	% ()%	0%	-	-	0%	97.7%	85.9%	0%	93.2%	-	87.5%	0%	100%	0%	89.0%		100%	97.6%	0%	0%	97.8%	-	94.2
Single-Unit Trucks	(0	0	0	0	0	7	0	1	5	0	6		4	0	0	0	4	-	0	4	0	0	4	-	
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Articulated Trucks	1	0	0	0	0	0	-	0	2	6	0	8	-	5	0	0	0	5		0	0	0	0	0		
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Buses	1	0	0	0	0	0	- 2	0	0	0	0	0	-	0	0	0	0	0		0	0	0	0	0		
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^{*}Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Jan 31, 2019
Midday Peak (Jan 31 2019 12PM - 1 PM)
All Classes (Motorcycles, Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk)
All Movements
ID: 616231, Location: 29.713044, -98.166212, Site Code: 1





[S] Westpointe Dr

Thu Jan 31, 2019
PM Peak (Jan 31 2019 4:30PM - 5:30 PM) - Overall Peak Hour
All Classes (Motorcycles, Lights, Single-Unit Trucks, Articulated Trucks, Buses, Pedestrians, Bicycles on Road, Bicycles on Crosswalk)

CJ Henson Associates Inc. Provided by: C. J. Hensch &

Associates Inc. 5215 Sycamore Ave., Pasadena, TX, 77503, US

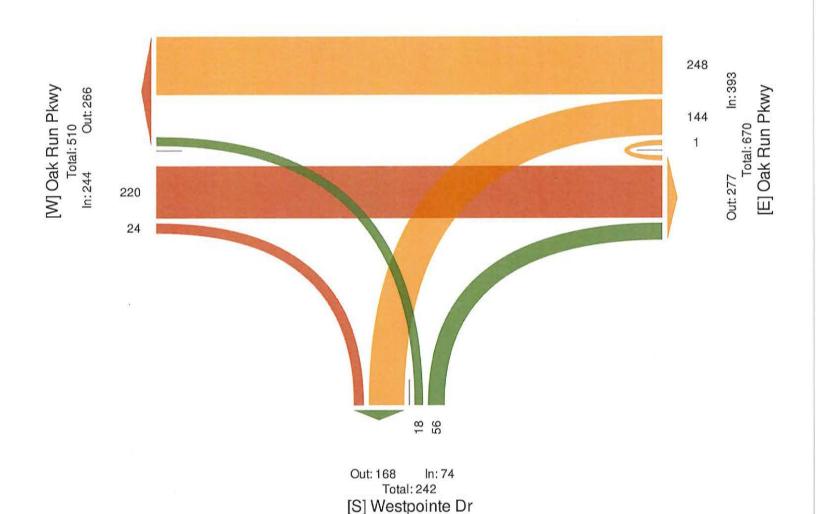
All Movements ID: 616231, Location: 29.713044, -98.166212, Site Code: 1

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PHF		2	-			-		-	0.912	0.857	0.250	0.918	-	0.875	-	0.900		0.881	-	0.667	0.821	*	-	0.803		0.88
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Lights		0	0	0		0 (0	246	143	1	390	-	55	0	18	0	73	-	24	214	0	0	238	2	70
% Lights	09	6 ()%	0%	09	6		0%	99.2%	99.3%	100%	99.2%		98.2%	0%	100%	0%	98.6%	-	100%	97.3%	0%	0%	97.5%	_	98.6
Single-Unit Trucks		0	0	0		0 (0	0	1	0	1	-	0	0	0	0	0	7	0	4	0	0	4	-	
% Single-Unit Trucks	09	6 ()%	0%	09	6		0%	0%	0.7%	0%	0.3%	-	0%	0%	0%	0%	0%	-	0%	1.8%	0%	0%	1.6%	-	0.7
Articulated Trucks		0	0	0		0 (0	0	0	0	0	-	1	0	0	0	1	-	0	1	0	0	1	-	
% Articulated Trucks	09	6 ()%	0%	09	6		0%	0%	0%	0%	0%		1.8%	0%	0%	0%	1.4 %	(+	0%	0.5%	0%	0%	0.4 %	-	0.3
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^{*}Pedestrians and Bicycles on Crosswalk. L: Left, R: Right, T: Thru, U: U-Turn

Thu Jan 31, 2019
PM Peak (Jan 31 2019 4:30PM - 5:30 PM) - Overall Peak Hour
All Classes (Motorcycles, Lights, Single-Unit Trucks, Articulated Trucks, Buses,
Pedestrians, Bicycles on Road, Bicycles on Crosswalk)
All Movements
ID: 616231, Location: 29.713044, -98.166212, Site Code: 1





ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, TO APPROVE INSTALLATION OF TRAFFIC CONTROL DEVICES ON OAK RUN PARKWAY AT WESTPOINTE DRIVE.

WHEREAS, after engineering and field investigation, the Transportation and Traffic Advisory Committee has recommended that traffic control signs be installed on certain streets, avenues, thoroughfares and boulevards within the corporate limits of the City of New Braunfels in order to protect the health, safety and welfare of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

I.

THAT the installation of additional traffic control sign at the following location in the corporate limits of the City of New Braunfels, Texas authorizes:

STOP SIGNS:

- 1. On Oak Run Parkway, east-bound at Westpointe Drive.
- 2. On Oak Run Parkway, west-bound at Westpointe Drive.

II.

THAT the Public Works Department is directed to obtain and install the traffic control signs in the locations as set forth in this ordinance, and is directed to maintain the signs in a manner that provides for the health, welfare and safety of the citizens of New Braunfels.

III.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels. PASSED AND APPROVED: First reading this the ____ day of _____, 2019. PASSED AND APPROVED: Second reading this the _____ day of _____, 2019. CITY OF NEW BRAUNFELS, TEXAS BARRON CASTEEL, MAYOR ATTEST: PATRICK D. ATEN, CITY SECRETARY APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. A)

Presenter/Contact TJ Grossi, Building Official (830) 221-4062 - tgrossi@nbtexas.org

SUBJECT:

Discuss and consider approval of the first reading of an ordinance amending Appendix D-Fee Schedule in the City's Code of Ordinances to change residential fees from valuation-based calculations to per square foot calculations and flat fees.

BACKGROUND / RATIONALE:

On May 21, 2019, HB 852 was signed by Texas Governor Abbott and is effective immediately. This new state law requires that in determining a building permit or inspection fee for or associated with a residential dwelling, a city may not consider the value of the dwelling, or the cost of constructing or improving the dwelling. The law also states that a City may not require the disclosure of the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a building permit except as required by FEMA (Federal Emergency Management Association) as a part of the National Flood Insurance Program.

To comply with this new state law, staff is proposing a residential fee schedule that would be based on the square footage of a project, as well as flat fees. This proposal was derived from comparing multiple other municipalities that already have flat fees, what other regional cities are doing to comply with this bill, and the average cost of past permits here in our City. Our current inspection fees are not changed as such fees are not based upon the value of the dwelling or the cost of constructing or improving the residential dwelling.

<u>ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:</u>

City Plan/Council Priority:	Ensures that the City is in compliance with State
	statutes.

FISCAL IMPACT:

It is anticipated there will be negligible to zero impact. Square-footage based fees align well with New Braunfels' current fees, and proposed flat fees have been based on an average of actual permit fees collected.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.

H.B. No. 852

1 AN ACT 2 relating to information a municipality may consider in determining 3 the amount of certain building permit and inspection fees. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS: 4 5 SECTION 1. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.907 to read as follows: 6 7 Sec. 214.907. PROHIBITION ON CERTAIN VALUE-BASED BUILDING PERMIT AND INSPECTION FEES. (a) In determining the amount of a 8 9 building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a 10 municipality may not consider: 11 12 (1) the value of the dwelling; or 13 (2) the cost of constructing or improving the 14 dwelling. (b) A municipality may not require the disclosure of 15 16 information related to the value of or cost of constructing or improving a residential dwelling as a condition of obtaining a 17 building permit except as required by the Federal Emergency 18 Management Agency for participation in the National Flood Insurance 19 20 Program. 21 SECTION 2. Section 214.907(a), Local Government Code, as added by this Act, applies only to a building permit or inspection 22 23 fee assessed by a municipality on or after the effective date of 24 this Act in connection with the construction or improvement of a

H.B. No. 852

- 1 residential dwelling.
- 2 SECTION 3. This Act takes effect immediately if it receives
- 3 a vote of two-thirds of all the members elected to each house, as
- 4 provided by Section 39, Article III, Texas Constitution. If this
- 5 Act does not receive the vote necessary for immediate effect, this
- 6 Act takes effect September 1, 2019.

	H.B. No. 852
President of the Senat	e Speaker of the House
I certify that H.B.	No. 852 was passed by the House on April
16, 2019, by the following	g vote: Yeas 126, Nays 9, 2 present, not
voting.	
	Chief Clerk of the House
I certify that H.B.	No. 852 was passed by the Senate on May 8,
2019, by the following vote	e: Yeas 29, Nays 2.
	Secretary of the Senate
APPROVED:	
Date	
Governo	r

ORDINANCE NO. 2019-_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, APPENDIX D, FEE SCHEDULE TO ALIGN WITH HB 852 SIGNED BY THE GOVERNOR DISALLOWING CITIES FROM CHARGING RESIDENTIAL PERMIT FEES BASED ON VALUATION OF CONSTRUCTION OR OF THE DWELLING; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels, Texas, provides as part of its municipal business to the public, development application processes and services pursuant to federal law, state statute and local ordinance; and

WHEREAS, the City Council of the City of New Braunfels, Texas, has established reasonable administrative fees in order to recoup the cost of conducting such processes and delivering such services on the public's behalf without unduly relying on taxes; and

WHEREAS, the City of New Braunfels seeks to provide efficient customer service throughout the development process; and

WHEREAS, the City of New Braunfels finds it necessary to establish processes and procedures that are fiscally prudent and responsible, including the costs associated with employee time; and

WHEREAS, the state of Texas adopted and signed into law HB 852 in the 86th Regular Legislative Session which disallows cities from charging residential permit fees based on valuation; and

WHEREAS, the International Code Council (ICC) has established universal, national-based tables to assist in determining appropriate bases of fees; and

WHEREAS, the City of New Braunfels has compared fees against corresponding costs and has researched and compared fees across multiple Texas municipalities; and

WHEREAS, the City of New Braunfels has identified residential permit fees based on valuation that must be amended to comply with state statute; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2

THAT Appendix D "Fee Schedule" of the New Braunfels Code of Ordinances, is hereby amended as shown below:

Appendix D: Fee Schedule

Sec. B. - Additional fees specific to building permitting.

(a) Building permit fees for work other than new <u>commercial</u> construction and additions, shall be based on <u>the schedules below: valuation of the project, calculated using the following table rounded to the nearest thousand identified as Building Permit Fee Schedule A:</u>

Building Permit Fee Schedule A Residential

Total Valuation	Permit Fee
\$0.00—\$50,000.00	\$20.00 plus \$5.00 per \$1,000.00 or fraction there of
\$50,001.00 — \$100,000.00	\$265.00 plus \$4.00 per \$1,000.00 or fraction there of
\$ 100,001.00 \$500,000.00	\$465.00 plus \$3.00 per \$1,000.00 or fraction there of
\$500,001.00 and above	\$1,665.00 plus \$2.00 per \$1,000.00 or fraction there of
<u>Type</u>	<u>Permit Fee</u>

New Construction and Addition	\$.50 per square foot
<u>Remodel</u>	\$.25 per square foot
<u>Fence</u>	<u>\$50</u>
Shed, Storage Building, Car Port	Built on Site/\$75, Pre-Built/\$50
<u>Pool</u>	Above Ground/\$100, In Ground/\$200
<u>Foundation</u>	<u>\$150</u>
Foundation Repair	<u>\$75</u>
Flat Work, Driveway, Patio, Sidewalk, Deck, Porch, Stairs	\$.25 per square foot
Roofing	<u>\$75</u>
Siding, Brick, Exterior Veneer	<u>\$100</u>
Mobile/Manufactured Home Placement (Does not include trades)	<u>\$50</u>
Misc. Structures (Gazebos, Pergolas, Archways, Patio Covers)	<u>\$35</u>
Retaining Walls (Over 24 inches)	\$.50 per linear foot
Misc. Residential	<u>\$25</u>

SECTION 3

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final

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judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of

the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance which

shall remain in full force and effect.

SECTION 4

THAT, all provisions of the Code of Ordinances of the City of New Braunfels not herein

amended or repealed shall remain in full force and effect.

SECTION 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed

to the extent of such conflict only.

SECTION 6

THAT in accordance with the provisions of the City Charter, this Ordinance may be read

and published by descriptive caption only. This Ordinance has been publicly available in the office

of the City Secretary prior to its adoption.

SECTION 7

THAT this Ordinance shall become adopted and effective upon its second reading,

signature required by City Charter, and filing with the City Secretary's Office. This Ordinance must

also be published in a newspaper of general circulation at least one time within ten (10) days after

its final passage, as required by the City Charter of the City of New Braunfels.

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

PASSED AND APPROVED: Second and Final Reading this the 24th 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



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. B)

Presenter

Christopher J. Looney, Planning and Community Development Director clooney @nbtexas.org

SUBJECT:

Discuss and consider approval of the second and final reading of an ordinance regarding a proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "M-1" Light Industrial District at 343 E. Mill Street.

BACKGROUND / RATIONALE:

Case No.: SUP19-054

Council District: 5

Applicant/Owner: Christine Quiros

149 Rio Azul Seguin, TX 78155 210-831-9948

partyoffiveq@satx.rr.com

Staff Contact: Holly Mullins

(830) 221-4054

hmullins@nbtexas.org

City Council held a public hearing and approved the first reading of this requested rezoning ordinance with recommended conditions, plus a limit of six occupants (two people per sleeping area plus two additional people) including adults and children. (5-1-0)

The subject property is located on Mill Street, across the street from the ADM Milling Company's downtown property. This area was zoned M-1 Light Industrial in 1966, and has developed into a mix of industrial, commercial, and residential uses. The existing single-family residence on the subject lot was constructed in the 1880s (it is not presently a historic landmark nor within a historic district).

The applicant is pursuing a Special Use Permit (SUP) for a short-term rental. If approved, an administrative Short Term Rental Permit is required prior to the first rental, along with annual fire inspections and remittance of hotel occupancy tax.

The single-family residence has one bedroom and one bathroom, with a living room that will contain a sleeper sofa. This results in two sleeping areas which allow a maximum occupancy of eight adults (two per sleeping area plus an additional four). Minimum required off-street parking is one space per sleeping area (two), with a maximum of three spaces. The applicant's site plan indicates a paved

driveway approximately 60 feet long, providing parking for three vehicles.

There are three other properties on the block zoned appropriately for short-term rentals. A record search indicated no recent code enforcement action on them.

Supplemental standards for short term rentals are listed in Section 144-5.17-4, and include:

- an administrative Short Term Rental Permit must be obtained, and annual inspections are required in addition to the SUP;
- a maximum of two adults per sleeping area plus an additional four adults per residence (two sleeping areas plus four additional adults allows a maximum total of eight adults);
- display of a short-term rental decal;
- a minimum of one off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (minimum of 2 two spaces and maximum of three spaces);
- adherence to the City's adopted building codes regarding life safety issues;
- compliance with City codes related to conduct on premises;
- signage in compliance with the current Sign Ordinance (no monument or freestanding pole signs; attached signage is not regulated); and
- required tenant information posted indoors and attached to the rental agreement including quiet hours, parking limitations, and emergency information.

General Information:

Surrounding Zoning and Land Use:

North - M-1/ Single-family residence with SUP for short-term rental

South - Across Mill Street, C-2/ ADM Mill property

East - M-1/ Single-family residence with SUP for short-term

rental

West - M-1/ Single-family residences

Floodplain:

No portion of the property is within the 1% annual chance (100-year) flood zone.

Reguest Due to Notice of Violation: No

Determination Factors:

In making a decision on zoning, the following factors are to be considered:

- Whether the permitted uses will be appropriate in the immediate area, and their relationship to the area and to the City as a whole (The proposed use is appropriate for this location in the downtown area as it would be compatible with the existing mix of uses in the central business district and is in close proximity to river recreation.);
- Whether the change is in accord with any existing or proposed public schools, streets, water supply, sanitary sewers, and other utilities to the area (There do not appear to be any conflicts with these elements.);
- How other areas designated for similar development will be affected (The proposed use should not impact other areas designated for similar development.);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (The use of this property as a short-term rental will be subject to the supplemental

standards required in the Zoning Ordinance. These standards help to ensure that proper measures are in place to protect public health and to encourage appropriate use of the property.); and

Whether the request is consistent with the Comprehensive Plan (The property is situated within the New Braunfels Sub-Area and existing Market, Civic, Employment and Outdoor Recreation Centers. It is also in close proximity to a Recreational River Corridor and Downtown.)

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council Priority:	Action 1.14 Ensure regulations do not unintentionally
Envision New Braunfels	inhibit the provision of a variety of flexible and
Comprehensive Plan	innovative lodging options and attractions. Action 3.3
	Balance commercial centers with stable neighborhoods.

FISCAL IMPACT:

Short term rental use of the property will be subject to hotel occupancy tax (HOT). The property owner will be responsible for remitting these taxes to the City and the State.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on May 7, 2019 and recommended approval of the request (6-1) with a maximum occupancy of 6 adults rather than 8.

STAFF RECOMMENDATION:

Staff recommends approval. The proposed use of the property will complement the mixed uses in the downtown area and provide an appropriate intensity transition between industrial and residential uses consistent with Envision New Braunfels. The location would allow easy access to main thoroughfares and visitor destinations without impacts to the neighborhood. Staff's recommendation includes the following conditions:

- 1. The residential character of the property must be maintained.
- 2. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
- 3. All Supplemental Standards of Section 144-5.17-4 will be met.

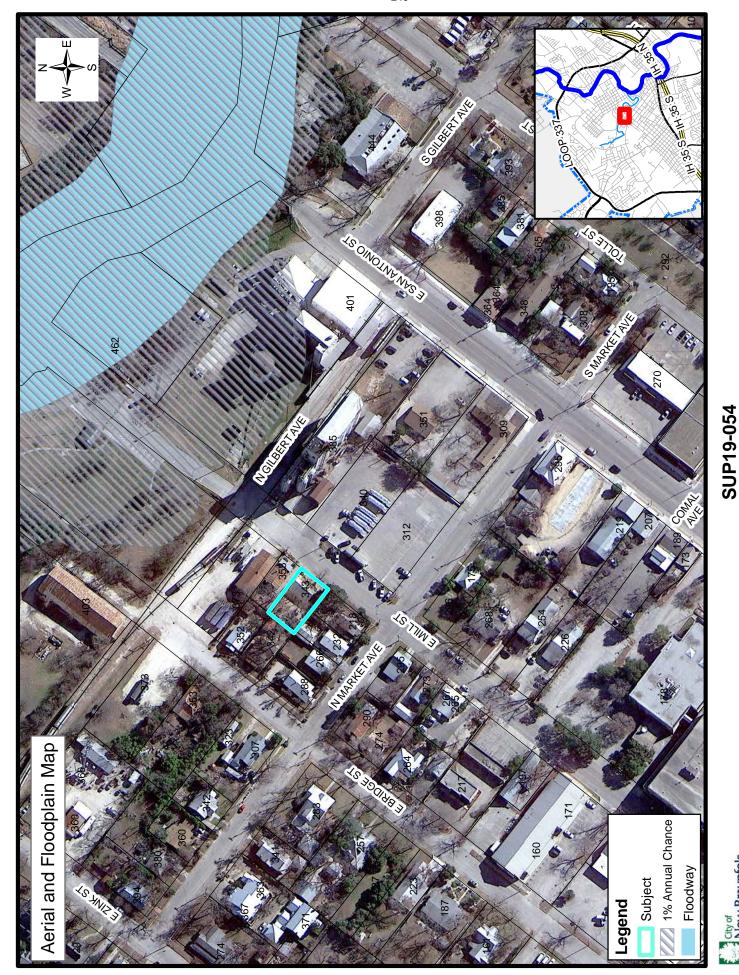
Notification:

Public hearing notices were sent to 11 owners of property within 200 feet; the City has received two responses in favor (#4, 5) and none in objection.

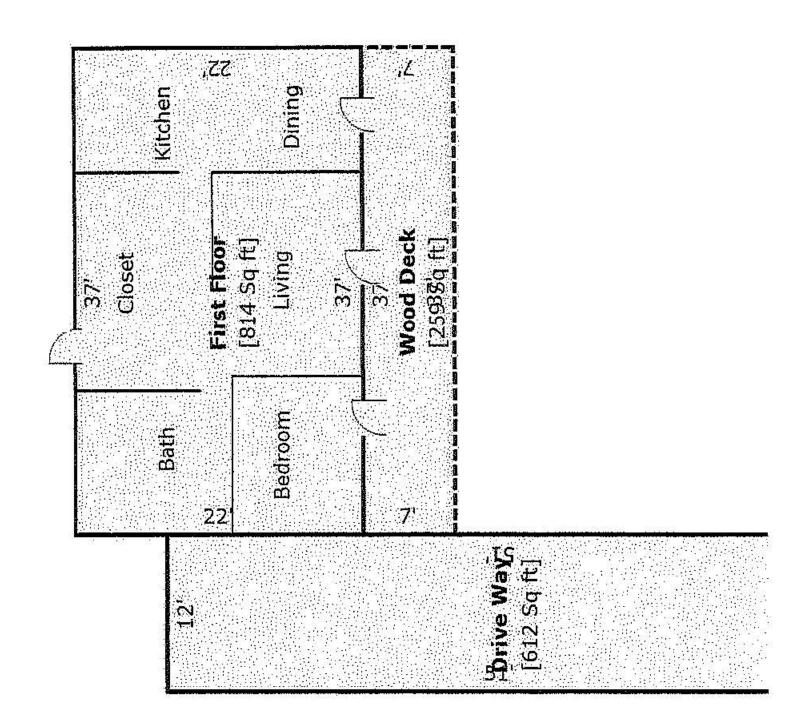
Attachments:

- Aerial Map
- 2. Site Plan and Floor Plan
- 3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
- 4. Short-term Rental Map
- 5. Photograph
- 6. Notification Map and List
- Ordinances:
 - Sec. 3.6 Special Use Permits
 - Sec. 5.17 Short Term Rentals
- 8. Draft minutes from Planning Commission

9. Ordinance

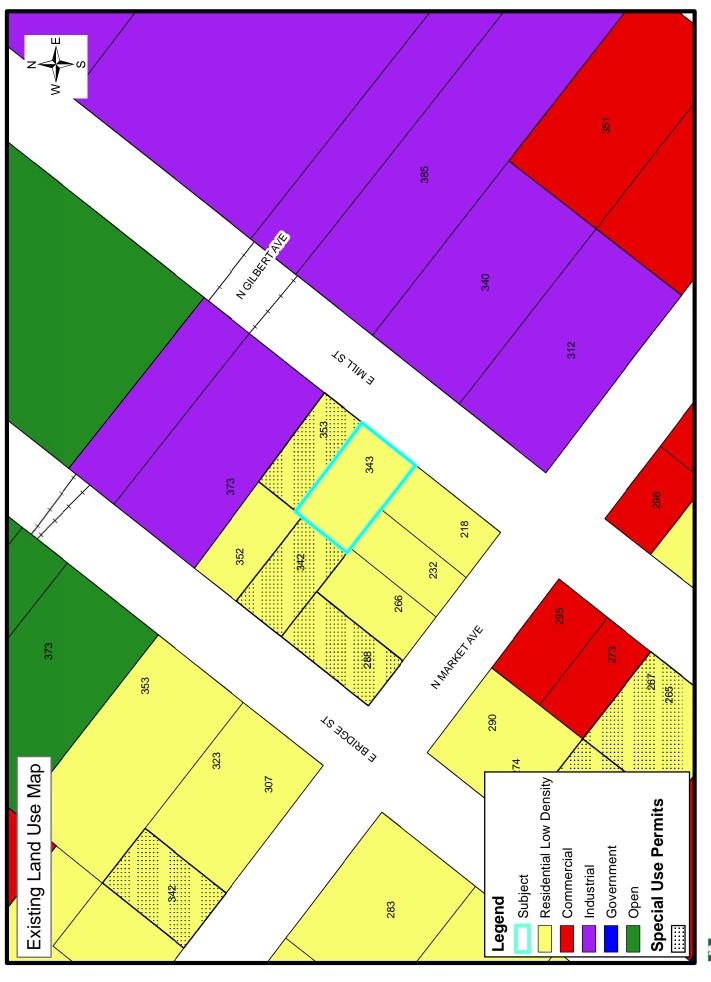


343 E. Mill Street SUP for Short Term Rental





SUP for Short Term Rental 343 E. Mill Street





SUP19-054 343 E. Mill Street SUP for Short Term Rental

EXISTING CENTERS

within. They may have endangered species habitat or aquifer recharge areas that require additional standards and consideration relating to future growth. It is envisioned that all centers be walkable, connected, and have a mix of uses. These centers must provide adequate infrastructure to support the commercial development present especially mobility and access for pedestrians, bicycles, vehicles and transit. Given the mixed-use nature of these centers, parking Centers are the middle, core or heart of an area. It is a point of activity and vitality. Centers come in many sizes and have different purposes or activities should be shared and not detract from the aesthetic of the area.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

MEDICAL CENTER

Medical Centers are mixed-use areas centered around a medical destination such as a hospital or clinic.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

EDUCATION CENTER

Education Centers are mixed-use areas centered around an educational destination such as a K-12 school or university/college.

TOURIST/ENTERTAINMENT CENTER

Tourist/Entertainment Centers are mixed-use areas around an entertainment venue such as Gruene Hall or a tourist destination such as the Tube Chute.

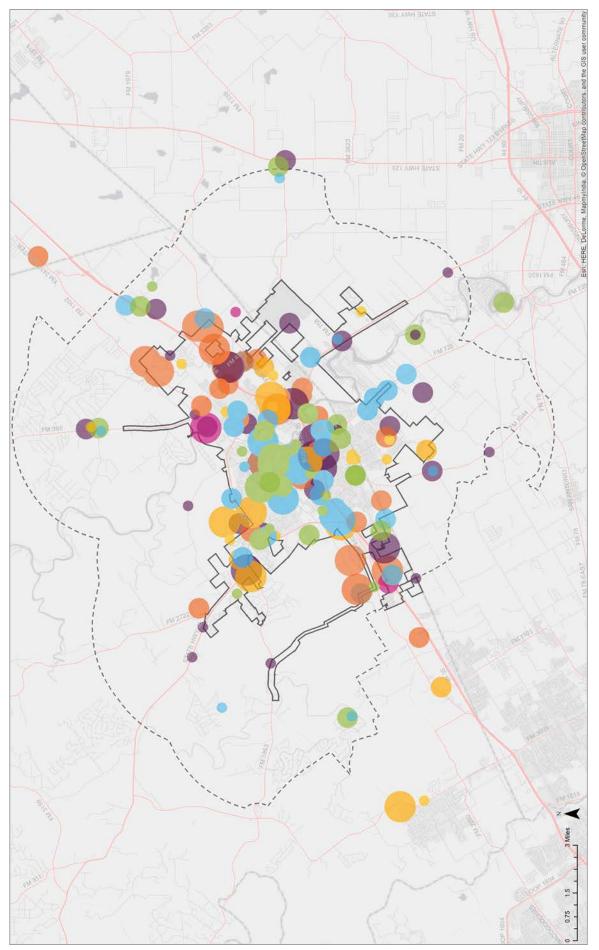












The location of existing centers was determined through the analysis of previous studies and background documents, windshield surveys, and reviewed by City staff, Steering Committee members, and Plan Element Advisory Group members during a public workshop.

FUTURE LAND USE PLAN

A future land use plan is how land is envisioned to be. It establishes priorities for more detailed plans (sub area plans) and for detailed topical plans (such as parks and open spaces, trails and roads). It cannot be interpreted without the goals and actions of Envision New Braunfels.

TRANSITIONAL MIXED-USE CORRIDOR

Transitional Mixed-Use Corridors express an aspiration to retrofit existing auto-dominated retail corridors with a mix of uses and a variety of travel modes over time.

OUTDOOR RECREATION CENTER

Outdoor Recreation Centers are centered around a public or private outdoor destination like Fischer Park.

EMPLOYMENT CENTER

Employment Centers are mixed-use areas centered around office or industrial uses that can support significant employment.

■ MARKET CENTER

Market Centers are mixed-use areas anchored by a retail destination where surrounding residents go to get daily goods and services.

CIVIC CENTER

Civic Centers are mixed-use areas centered around a civic destination such as City Hall, a library or a recreation center.

SUB AREA 1

Sub Area 1 includes the Downtown, Gruene and the Mid-Century or older neighborhoods that surround them. It is home to the natural springs and headwaters of flowing rivers that have attracted New Braunfelsers to the town for centuries.

SUB AREA 2

Sub Area 2 refers to the neighborhoods and residential enclaves that have grown alongside the Hill Country landscape.

SUB AREA 3

Sub Area 3 includes a planned community offering a diversity of housing, distinct community centers and preserved Hill Country landscape features.

SUB AREA 4

At the heart of Sub Area 4 is Fischer Park. Proximity to IH-35, downtown and neighboring communities like McQueeney makes this area highly desirable and accessible.

SUB AREA 5

Sub Area 5 bridges together many communities east of IH-35. It includes the scenic landscape along both banks of the Guadalupe River between Highway 46 and FM 725.

SUB AREA 6

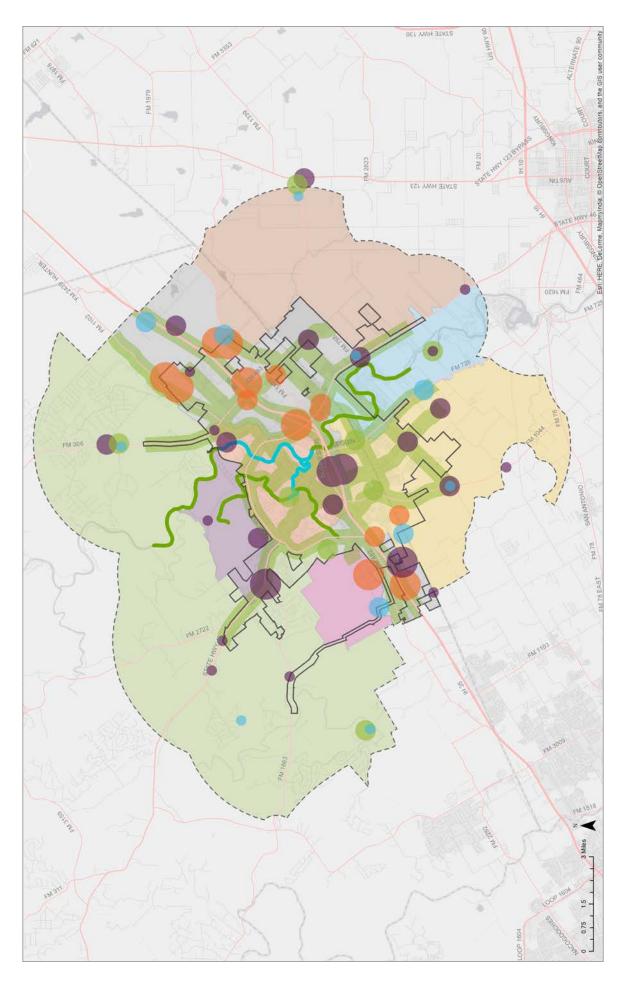
Sub Area 6 expresses an aspiration for conservation communities focused around maintaining and enhancing ecological integrity while allowing some level of development to occur.

SUB AREA 7

Sub Area 7 includes parts of the city currently being mined for natural resources. These sites may become parks and open space, mixed-use communities or new commercial or entertainment areas in the future.

SUB AREA 8

This fast-growing Sub Area includes many neighborhoods offering affordable places for young families to live.



A Comprehensive Plan shall not constitute zoning regulations or establish zoning district boundaries. Preferred future growth scenario combines Scenarios A and C per recommendations of the Envision New Braunfels Steering Committee (February 2018). Exact boundaries of sub areas, centers, and corridors may be zoomed and viewed online.



SUP for Short Term Rental 343 E. Mill Street SUP19-054



Subject Property

PLANNING COMMISSION - May 7, 2019 - 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner:

Christine Quiros

Address/Location: 343 W. Mill St

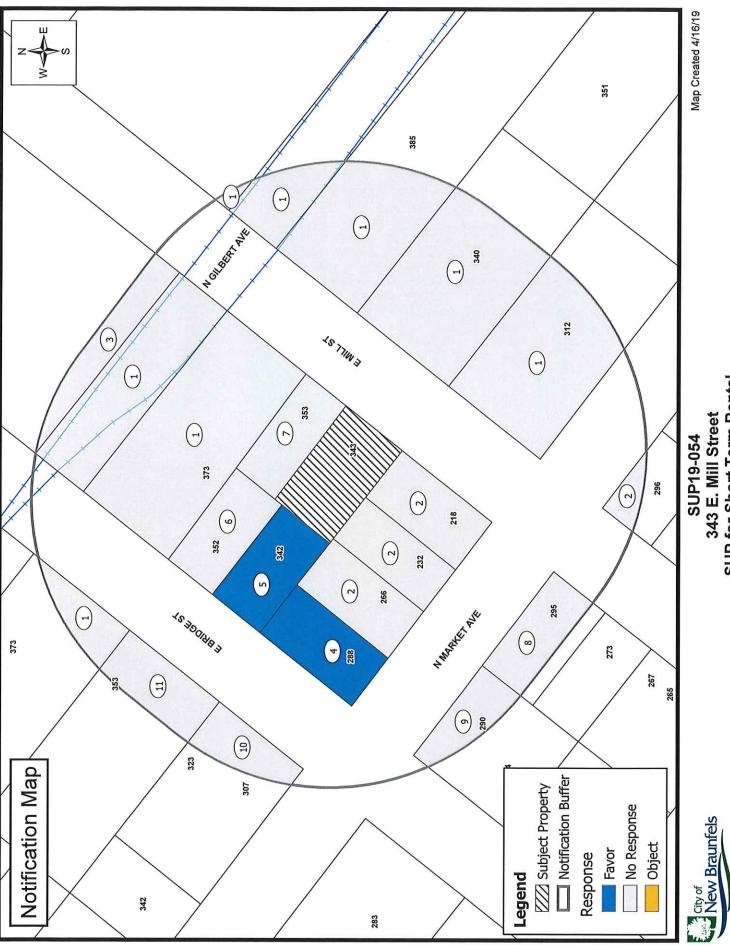
PROPOSED SPECIAL USE PERMIT - CASE #SUP19-054

The circled numbers on the map correspond to the property owners listed below. All information is from the Appraisal District Records. The property under consideration is marked as "Subject Property".

- 1. ADM MILLING CO
- 2. NOLTE MELVIN JR
- 3. NEW BRAUNFELS CITY OF
- 4. LAMMERS LESLIE J & THOMAS
- 5. ZUNKHOUSE RENTALS
- 6. CAMPASSI MICHAEL & SCOTT

- 7. PARRAS JEFFREY J & SABRINA
- 8. MOZELEY-JACQUES RENTALS
- 9. VERGE PRODUCTIONS LLC
- 10. LEATHERWOOD PAUL W
- 11. RODRIGUEZ SANTIAGO

SEE MAP



SUP for Short Term Rental SUP19-054 343 E. Mill Street

YOUR OPINION MATTERS - DETACH AND	RETURN
Case: #SUP19-054 (343 E. Mill Street) (hm) Name: Case: #SUP19-054 (343 E. Mill Street) (hm)	I favor:
Property number on map: Comments: (Use additional sheets if necessary)	I object: (State reason for objection)
Signature: Market)	RECEIVED APR 2 4 2019 BY:

	•
YOUR OPINION MATTERS - DETACH AN	ID RETURN
Case: #SUP19-054 (343 E. Mill Street) (hm)	
Name: LISA Whitehouse. Address: 342 E Bridge St	I favor:
Property number on map: 5	l object:
Comments: (Use additional sheets if necessary)	(State reason for objection)
, i	RECEIVED
Signature: Mal Whitehouse	APR 2 3 2019 . BY:

- 3.6. Special Use Permits.
- 3.6-1. Compatible and orderly development. A special use permit may be granted to allow compatible and orderly development which may be suitable only in certain locations and zoning districts if developed in a specific way or only for a limited period of time.
- 3.6-2. Application processing. Application for a Special Use Permit shall be processed in accordance with Section 2.1 of this Chapter and shall include the pertinent information as determined by the type of Special Use Permit and additional information as determined by the Planning Director, the Planning Commission or the City Council.

Types of Special Use Permit:

Type 1. Regulates land use only; does not require specific site plan or schedule. Construction within a Type 1 Special Use Permit will comply with all of the standard construction requirements for the approved use at the time of construction permit, including drainage plans, TIA, driveway location, and landscaping.

Type 2. Requires a site plan drawn to scale and shall show the arrangement of the project in detail, including parking facilities, locations of buildings, uses to be permitted, landscaping, and means of egress and ingress.

- 3.6-3. Standards. When considering applications for a special use permit, the Planning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the site plan, if a Type 2, and other information submitted, evaluate the impact of the special use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning Commission and the City Council shall specifically consider the extent to which:
 - (a) Comprehensive plan consistency. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;
 - (b) Zoning district consistency. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 - (c) Supplemental Standards. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Chapter;
 - (d) Character and integrity. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances.

A Type 2 Special Use Permit may include improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:

- (1) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
- (2) Off-street parking and loading areas;
- (3) Refuse and service areas;
- (4) Utilities with reference to location, availability, and compatibility;

- (5) Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
- (6) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
- (7) Required yards and open space;
- (8) Height and bulk of structures;
- (9) Hours of operation;
- (10) Paving of streets, alleys, and sidewalks,
- (11) Provisions for drainage,
- (12) Exterior construction material and building design; and
- (13) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate developmentgenerated traffic on neighborhood streets.
- (e) Public health, safety, convenience and welfare. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
- 3.6-4. Procedures for special use permit (SUP). Granting of an SUP is considered zoning and as such, all the procedures for changing a zoning district apply to an application for an SUP. After a public hearing and upon the recommendation of the Planning Commission, the City Council may approve, deny or modify the site plan and issue a special use permit containing such requirements and safeguards as necessary to protect adjoining property, including conditions addressing the standards in Section 3.6-3(d).
- 3.6-5. Revocation. The SUP for a Type 1 permit may be considered for revocation if a use other than the use approved in the SUP or in the underlying zoning district is developed or other stated requirements are not met. The SUP for a Type 2 permit may be considered for revocation for the following reasons:
 - (a) Construction is not begun within five years of the date of approval of the permit.
 - (b) Progress toward completion is not being made. Progress toward completion includes the following:
 - (1) An application for a final plat is submitted;
 - (2) A good faith effort is made to file with a regulatory agency an application for a permit necessary to begin or continue completion of the project;
 - (3) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5% of the most recent appraised market value of the real property on which the project is located;
 - (4) Security is posted with the city to ensure performance of an obligation required by the city; or

- (5) Utility connection fees or impact fees for the project have been paid to the City or New Braunfels Utilities.
- (c) Abandonment of the project. Abandonment includes development of the property in a way other than provided for by the SUP.
- (d) Failure to satisfy the conditions of the SUP or follow the site plan made part of the SUP.
- (e) *Code violations*. Revocation may be considered if there are three or more code violations in a 720 day period.
 - (1) Notice to property owner. If the Planning Director finds no less than three violations of any code of ordinances on the property within a 360 day period, he shall advise the applicant of a revocation hearing. The Planning Director shall notify the property owner in writing of the violations and that an administrative hearing will be held concerning the violations. Such notice shall be given at least 10 days prior to the hearing. The Planning Director shall take evidence and conduct an administrative hearing to determine if a revocation procedure should be initiated. Such a determination is not subject to appeal to the Zoning Board of Adjustment.
 - (2) If the Planning Director finds that there is credible evidence that the code of ordinances has been violated, or there have been convictions or guilty pleas in any court of competent jurisdiction, on at least three separate occasions within a 720 day period, and after the administrative hearing, he shall initiate a SUP revocation process.
 - (3) Appeal to Municipal Court. Any code violation may be appealed to, or considered by, the Municipal Court Judge. The parties at interest in this appeal may cross examine witnesses.
- (f) Revocation process. The revocation process shall be the same as for a zoning district change, with notice to property owners within 200 feet, public hearing and recommendation by the Planning Commission, and public hearing and ordinance consideration by the City Council.
- (g) The City Council may deny the SUP revocation, approve the revocation, deny the revocation and add additional restrictions to the SUP, suspend the SUP for a period the Council determines, or amend the SUP with probationary requirements and terms the Council determines.
- (h) Upon revocation of a special use permit the property subject to the special use permit may be used for any permitted use within the applicable base zoning district.
- 3.6-6. Compliance with conditions. Conditions which may have been imposed by the City Council in granting such permit shall be complied with by the grantee before a Certificate of Occupancy may be issued by the Building Official for the use of the building on such property.
- 3.6-7. Telecommunication towers and/or antennas. See Sec. 5.7
- 3.6-8. Deviation from Code. The City Council may approve a special use permit with deviations to any provision of the Code of Ordinances. Such deviations shall be listed or shown in or as part of the Ordinance approving the special use permit.

- 5.17. Short term rental or occupancy.
- 5.17-1 Purpose This section is intended to provide a procedure to allow the rental of private residences to visitors on a short-term basis, while ensuring that such rental use does not create adverse impacts to residential neighborhoods due to excessive traffic, noise, and density. Additionally, this section is intended to ensure that the number of occupants within such rental units does not exceed the design capacity of the structure to cause health and safety concerns, and that minimum health and safety standards are maintained in such units to protect visitors from unsafe or unsanitary conditions.

5.17-2 Definitions:

"Adult" means an individual 17 years of age or older.

"Bedroom" means a room designated and used primarily for sleeping and rest on a bed.

"Floodway" means the channel for a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Non-Residential District" means the following zoning districts: R-3, R-3L, R-3H, MU-A, MU-B, C-1, C-1A, C-1B, C-2, C-2A, C-3, C-4, C-4A, C-4B, C-0, M-1, M-1A, and M-2A. This includes all subsequently approved Special Districts identified as Non-Residential unless otherwise specified within the Special District.

"Occupant" means the person or persons who have rented the Short Term Rental and their quest(s).

"Operator" means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit who is the proprietor of a Short Term Rental, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, license or any capacity. Where the operator performs his or her functions through a managing agent of any type of character, other than an employee, or where the operator performs his or her functions through a rental agent, the managing agent or the rental agent shall have the same duties as his or her principal.

"Owner" means the person or entity that holds legal and/or equitable title to the private property.

"Residential District" means the following zoning districts: R-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, R-2, R-2A, B-1, B-1A, B-1B, TH, TH-A, ZH, ZH-A and SND-1. This includes all Special and Planned Development Districts identified as Residential unless otherwise specified within the Special District.

"Resort Condominiums" means a form of housing tenure and other real property where a specified part of a piece of real estate (usually of an apartment house) is individually owned and rented out for use of persons for less than 30 days while use of and access to common facilities in the piece such as hallways, heating system, elevators, exterior areas is executed under legal rights associated with the individual ownership and controlled by the association of owners that jointly represent ownership of the whole piece.

"Resort Property" means a compound of buildings and facilities located together that provides lodging, entertainment and a relaxing environment to people on vacation. This includes 24 hour security and 24 hour front desk personnel. These units comply with all commercial building code standards.

"Short Term Rental" means the rental for compensation of one- or two -family dwellings, as defined in the IRC (International Residential Code), for the purpose of overnight lodging for a period of not less than one (1) night and not more than thirty (30) days other than ongoing month-to-month tenancy granted to the same renter for the same unit. This is not applicable to hotels, motels, bed and breakfasts, resort properties as defined in this ordinance or resort condominiums.

"Short Term Rental Decal" means the decal issued by the City as part of a Short Term Rental permit that identifies the subject property as a Short Term Rental, the Short Term Rental permit number, the owner or rental agent's name and 24-hour emergency contact phone number of either the owner or the rental agent.

"Sleeping Area" means a room or other space within a Dwelling designed or used for sleeping, including a Bedroom. Tents and Recreational Vehicles shall not be considered a Sleeping Area.

5.17-3 Applicability.

- (a) Short Term Rental within Residential Districts is prohibited.
- (b) Short Term Rental is prohibited in any floodway located within the city limits, regardless of zoning district.
- (c) A Short Term Rental Permit is required prior to the use of a one family or two family dwelling as a Short Term Rental located within a Non-Residential District. Subject to Subsection (d), Standards, of this Section, an Owner shall obtain and maintain a current permit whenever a dwelling is used as a Short Term Rental. Annual inspection is required as specified in Subsection (f), Inspections, of this Chapter. A Special Use Permit is required in all zoning districts except C-4, C-4A and C-4B.
- (d) Within one hundred and eighty (180) days of the effective date of this Ordinance, the Owner or Operator of each existing legally established short term rental shall apply for and pay the permit fee for a Short Term Rental Permit. Within forty-five (45) days of receipt of a completed application, the permit fee and compliance with Subsection (e), Short Term Rental Permit, of this Section, a permit shall be issued to the Owner or Operator that will be good for one (1) year from the date issued and subject to the annual renewal inspection by the Fire Marshal. Ability to approve said permit is predicated on verification that the short term rental is in compliance with Section 2.3(b, c, d), Nonconforming Use.
- 5.17-4 Standards. All Short Term Rentals permitted pursuant to this Chapter are subject to the following standard requirements:
 - (a) Occupancy. The maximum number of persons allowed to reside in a Short Term Rental is two (2) adults per Sleeping Area plus an additional four (4) adults per residence.
 - (b) Short Term Rental Decal Display. As part of a Short Term Rental Permit, the City issued Short Term Rental Decal shall be posted on the front of each Short Term Rental in a location that is accessible and legible to an individual at the entry of the Short Term Rental.
 - (c) Parking. A minimum of one (1) off-street parking space, not including the garage, per Sleeping Area shall be provided with a minimum of two (2) and a maximum not to exceed the number of Sleeping Areas plus one (1). No required parking shall be permitted within public right-of-way or access easements as defined by City and State regulations regarding parking.
 - (d) Life Safety.
 - (1) All building and fire related construction shall conform to the City's adopted IRC (International Residential Code) building code.
 - (2) A 2A:10B:C type fire extinguisher (a standard 5 lb. extinguisher) shall be properly mounted within 75 feet of all portions of the structure on each floor.
 - (3) Every sleeping room shall have at least one operable emergency escape and rescue opening.
 - (4) An evacuation plan posted conspicuously in each Sleeping Area.
 - (5) Every bedroom / sleeping area in a Short Term Rental that does not comply with Subsection (d(4), Life Safety, of this Section shall not be used as a Sleeping Area and where equipped with a door, shall remain locked at all times when the Dwelling is being used as a Short Term Rental. Such a non-compliant sleeping area shall not be included

in the maximum occupancy calculation for the Short Term Rental. The owner / operator shall notify every Occupant, in writing, that the non-compliant Sleeping Area may not be used for sleeping.

(e) Conduct on premises.

- (1) Each occupant and visitor to a Short Term Rental shall comply with all applicable provisions of the City's Code, including, without limitation: noise and disorderly conduct restrictions from Chapter 82, Offenses and Miscellaneous Provisions; litter prohibition from Chapter 50, Environment; and others such as parking, and trespassing provisions. No occupant of or visitor to a Short Term Rental shall cause or permit a public nuisance to be maintained on such property. This information shall be included in the rental agreement and inside the Short Term Rental as specified in Subsection (7), Tenant Indoor Notification, below.
- (2) All Occupants shall be informed in writing of relevant City ordinance including, but not limited to, the City's nuisance and water conservation ordinances by the Owner/Operator of the Short Term Rental.
- (3) Excessive noise or other disturbance outside the Short Term Rental is prohibited between the hours of 10:00 p.m. and 8:00 a.m. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
- (4) No sleeping outdoors.
- (f) Signage. Signage shall be in compliance with the City's current Sign Code.
- (g) Tenant Indoor Notification. The Operator shall post in a conspicuous location of the Dwelling the following minimum information:
 - (1) Maximum number of occupants.
 - (2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
 - (3) Quiet hours and noise restrictions.
 - (4) Restrictions of outdoor facilities.
 - (5) 24 hour contact person and phone number.
 - (6) Property cleanliness requirements.
 - (7) Trash pick-up requirements, including location of trash cans.
 - (8) Flooding hazards and evacuation routes. Including information on the emergency siren system.
 - (9) Emergency numbers.
 - (10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City's Municipal Code and occupant or visitor can be cited.
 - (11) Other useful information about the community.
- (h) Rental Agreement Notification. The rental agreement between the owner/operator of the Short Term Rental and the occupant shall include by attachment, all of the information provided on the Tenant Indoor Notification signage.

5.17-5 Short Term Rental Permit.

- (a) Application. Application for a Short Term Rental Permit shall be in writing on an application form available in the Planning Director's office, shall be accompanied by a one-time payment of the fee of \$50 and shall include the following information, at a minimum:
 - (1) A list of all Owners of the short term rental including names, address and telephone numbers.
 - (2) A sketch or narrative describing the location of the available parking spaces as required by Subsection d(3), Parking, of this Section.
 - (3) A sketch of the floor plan.
 - (4) The name, address and 24 hour telephone numbers of a contact person who shall be responsible and authorized to respond to complaints concerning the use of the Short Term Rental.
 - (5) Proof of Hotel Occupancy Tax compliance with Chapter 351 of the Tax Code, before permit is granted.
 - (6) A statement that the Owner of the Short Term Rental has met and will continue to comply with the standards and other requirements of this Ordinance.

- (7) Provide current email address of Owner/Operator, if applicable.
- (8) If Owner/Operator has a property management or agent, Owner/Operator shall provide property management or agent phone number, mailing address and email address.
- (b) Completeness of Application. If the application is incomplete or the full fee has not been paid, the Planning Director shall notify the applicant in writing, within 10 business days of the date of the application, that the application is incomplete and will not be considered by the City until the application is complete and/or the full fee is paid. If the full fee is not paid or the application is not compete within 45 days of the date of the application, the application shall expire.
- (c) Annual Renewal. A Short Term Rental Permit will be renewed annually through an inspection conducted by the Fire Marshal to verify continued compliance with Subsection 17-4, Standards, of this Section.
- (d) Transferability. A Short Term Rental Permit is transferable to a new property owner, if the new property owner submits a Short Term Rental Permit application and agrees in writing to comply with the requirements of this Ordinance. A new Owner must apply for a Short Term Rental Permit within ninety (90) days from the closing date of the purchase. The new Owner must provide a copy of the closing statement with the Short Term Rental Permit application form. Failure of the new property owner to apply for permit within ninety (90) days from the closing date will revoke the Short Term Rental Permit. Short Term Rentals existing prior to the effective date of this ordinance that are non-conforming to the zoning for which property is located, but obtained a permit in compliance with Subsection 17-3(d), Applicability, shall become null and void if the new Owner fails to apply for the Short Term Rental Permit within ninety (90) days from the date of the deed of the new Owner's purchase.
- (e) Appeal. If an application for a Short Term Rental Permit or renewal is denied, the Owner or Operator may appeal to the Planning and Zoning Commission by written notice delivered within thirty (30) days of denial or revocation.
- 5.17-6 Inspections. To ensure continued compliance with the requirements of this Section a Short Term Rental shall be inspected in the following methods:
 - (a) Transfer Inspection. As part of the transfer of a Short Term Rental Permit to a new Owner, in accordance with Subsection (e(4), Transferability, and the issuance of a new Short Term Rental Permit the City's Fire Marshal shall conduct an inspection to verify compliance with this Ordinance.
 - (b) Fire Extinguishers. The Owner/Operator is responsible for obtaining annual independent inspections of the fire extinguishers in compliance with the City's current Fire Code.
 - (c) *Immediate Inspection*. The City will perform inspections immediately when a violation is suspected.
 - (d) Annual Fire Inspection. The City's Fire Marshal's Office will perform annual inspections for compliance with this Ordinance.

5.17-7 Enforcement/Penalty.

- (a) Emergency Contact. The Owner/Operator of the Short Term Rental shall provide the City with a twenty-four (24) hour contact number. Should a law enforcement officer respond to the Short Term Rental and issue a citation for any violation of City Ordinances, the Owner/Operator shall be called by the officer. The Owner/Operator shall attempt to contact the occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation issued to any part of the occupants or guests, the Owner/Operator must take appropriate step, in accordance with the individual rental agreement, to assure future complaints do not occur. Should three (3) separate citations be issued to an occupant or their guest(s), involving separate occupants under separate rental agreements within a six (6) month period, the Short Term Rental Permit may be revoked in accordance with the revocation process specified in Subsection (h), Revocation.
- (b) Violations of any Subsection of this Section may revoke the Short Term Rental Permit in accordance with Subsection (h), Revocation.
- (c) Failure to pay Hotel Occupancy Tax timely is considered a violation of this Section and may result in revocation of the Short Term Rental Permit in accordance with Subsection (h), Revocation. Owner shall have 30 days from the date the City or State issue a notice of

- delinquency to submit delinquent Hotel Occupancy Tax to City and State before revocation of the Short Term Rental Permit begins.
- (d) Failure to successfully complete the renewal process of a Short Term Rental Permit is considered a violation of this Section. Owner shall have 45 days from the date City issues notice of denial to gain compliance of noncompliant items before the revocation of the Short Term Rental Permit begins.
- (e) The provisions of this Subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by City Ordinances or County or State Law.
- (f) Proof. Prima facie proof of occupancy of a Dwelling is established in any prosecution for violation of this Section if it is shown that vehicles with registrations to persons having different surnames and addresses were parked overnight at the Dwelling. Establishment of a prima facie level of proof in this Subsection does not preclude a showing of illegal "occupancy" of a Dwelling by a person in any other manner.
- (g) Offense. It is an offense for the property owner, any agent of the property owner, or the occupant(s) to directly occupy or indirectly allow, permit, cause, or fail to prohibit an occupancy in violation of this Ordinance 144-5.17. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to a minimum fine of \$500.00 to a maximum fine of \$2,000.00 per violation.
- (h) Each day of violation of said Standards and provisions of this Section constitutes a separate offense and is separately punishable, but may be joined in a single prosecution.
- 5.17-8 Revocation. If any violations stated in Subsection (g), Enforcement/Penalty, of this Section have been committed and not corrected within the time specified the Planning Director shall begin the procedures to revoke the Short Term Rental Permit in accordance with the following:
 - (a) The City shall give thirty (30) day written notice to the Owner/Operator regarding the public hearing date and recommendation by the Planning Commission, and public hearing and decision by the City Council.
 - (b) The City shall provide written notice to property owners within 200 feet of the subject property at least 15 days prior to the hearing.
 - (c) If a Short Term Rental Permit is revoked, the Owner/Operator may not reapply for the same property for a period of twelve (12) months.
- 5.17-9 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Draft Minutes for the May 7, 2019 Planning Commission Regular Meeting

SUP19-054 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "M-1" Light Industrial District at 343 E. Mill Street.

(Applicant: Christine Quiros; Case Manager: H. Mullins)

Commissioner Nolte recused himself at 6:48 p.m.

Mrs. Mullins summarized the request and stated Staff recommended approval with the conditions outlined in the staff report.

Commissioner Laskowski requested clarification regarding the floorplan and access to the bedroom.

Evan Quiros and Christine Quiros, 149 Rio Azul, stated they were the applicants for the request. They clarified the floorplan and access points.

Commissioner Meyer expressed concerns regarding the maximum occupancy.

Mr. and Mrs. Quiros indicated they could limit the maximum occupancy to 6 rather than 8.

Discussion followed regarding maximum occupancy.

Vice Chair Reaves asked if anyone wished to speak in favor.

No one spoke.

Vice Chair Reaves asked if anyone wished to speak in opposition.

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Mathis, to close the public hearing. Motion carried (8-0-0).

Motion by Commissioner Sonier, seconded by Commissioner Mathis, to recommend approval to City Council regarding the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "M-1" Light Industrial District at 343 E. Mill Street, with Staff recommendations and a maximum occupancy of 6. Motion carried with Commissioner Laskowski in opposition (6-1-0).

Commissioner Nolte returned at 6:58 p.m.

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE-FAMILY DWELLING IN THE "M-1" LIGHT INDUSTRIAL DISTRICT, ON A PORTION OF LOT 188, CITY BLOCK 2007 ADDRESSED AT 343 E. MILL STREET; 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

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit for a portion of Lot 188, City Block 2007, addressed at 343 E. Mill Street, to allow the short-term rental of a single-family dwelling in the "M-1" 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:

0.119 acres out of Lot 188, City Block 2007, addressed at 343 E. Mill Street, as described in Exhibit "A" and delineated on Exhibit "B" attached.

SECTION 2

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

- 1. The residential character of the building must be maintained.
- 2. The property will remain in compliance with the approved site plat attached as Exhibit 'C'. Any significant changes to the site plan will require a revision to the SUP.
- 3. Occupancy will be limited to a maximum of six (6) occupants including adults and children.
- 4. All other Supplemental Standards of Section 144-5.17-4 will be met.

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.

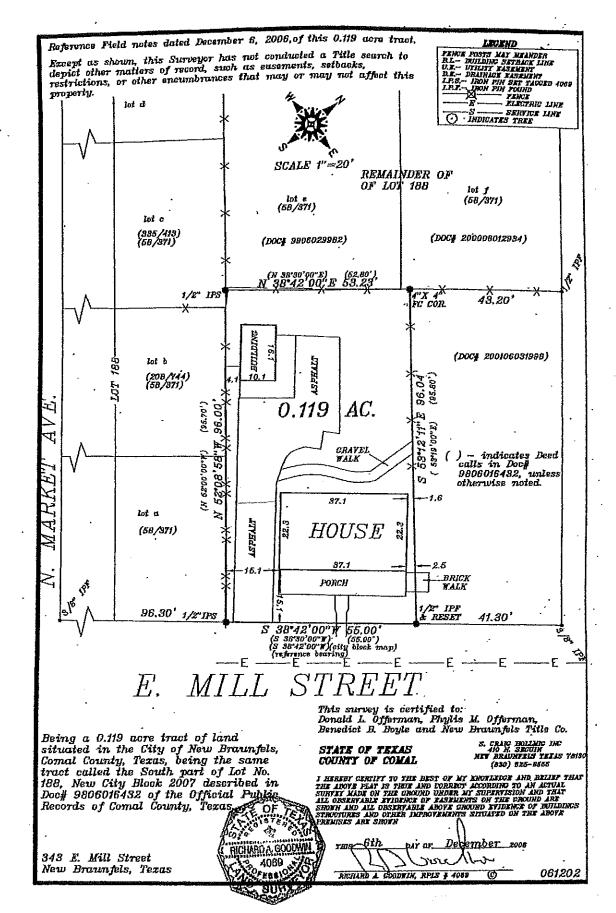
SECTION 5

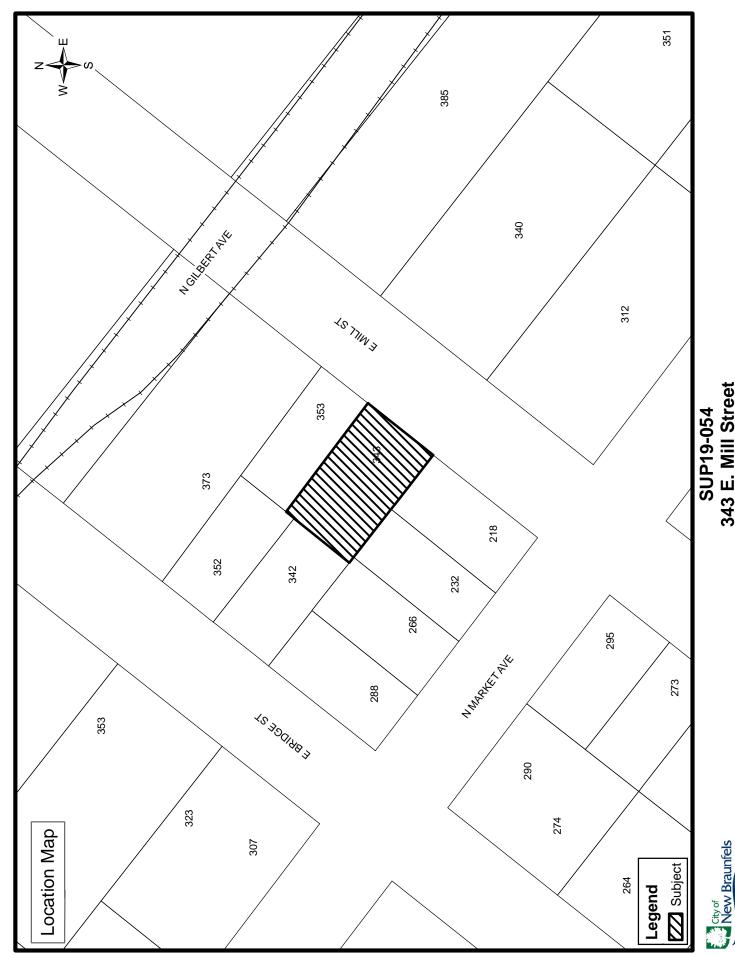
THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 28th day of May, 2019.

PASSED AND APPROVED: Second reading this 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	





343 E. Mill Street SUP for Short Term Rental

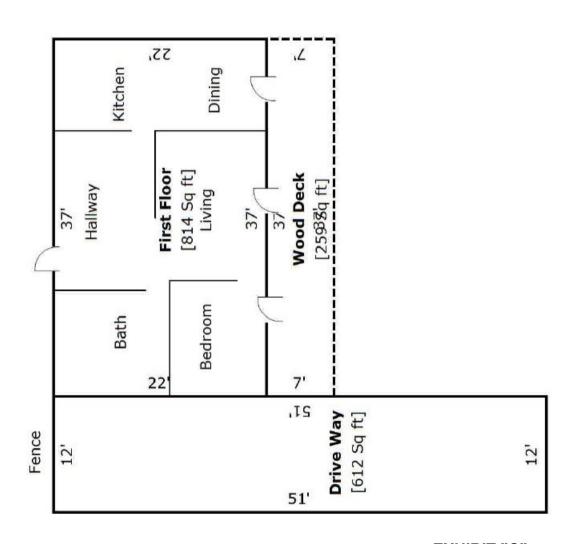


EXHIBIT "C"



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. C)

Presenter/Contact

Matthew Eckmann, Facilities and Real Estate Manager (830) 221-4089 - meckmann@nbtexas.org

SUBJECT:

Discuss and consider approval of the purchase of 1.298 acres, being Lot 5, Block 1, George Subdivision, Unit 3, located at 3030 W. San Antonio Street, New Braunfels, Texas and authorize the City Manager to execute all necessary documents.

BACKGROUND / RATIONALE:

Proposition 3 of the 2019 Bond Election which passed in May 2019, allocated funds for the purchase of land and construction of a new Police Headquarters.

The City executed a contract on April 9, 2019 with Ronald R. Nevitt, Patty V. Nevitt and Oakwood Estates, Inc. for the purchase of 1.298 acres addressed as 3030 W. San Antonio Street in the amount of \$415,000 plus necessary closing costs. Closing is scheduled for June 14, 2019.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:					

FISCAL IMPACT:

Funding to purchase this land has been incorporated into the reimbursement resolution approved by City Council this evening. The City will utilize existing cash reserves to support this expenditure with the intention of being reimbursed when the first bond proceeds are issued later this fiscal year.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.

PURCHASE CONTRACT 3030 W. SAN ANTONIO STREET

- 1. PARTIES; RECTTALS: The parties to this Contract are Oakwood Estates, Inc (owning an undivided 1/2 interest) and Ronald R. Nevitt and wife, Patty V. Nevitt (together owning an undivided 1/2 interest) (together, the "Seller") and the City of New Braunfels, a municipal corporation ("City") referred to herein as "the Buyer". The City proposes to acquire the Property described below for use as a future Police Department. The Seller agrees to sell and convey to Buyer and Buyer agrees to buy from Seller the Property described below.
- PROPERTY: The land, improvements and accessories, except for the exclusions and reservations, are collectively referred to as the "Property".
 - A. LAND: All that certain tract, piece or parcel of land lying and being situated in the corporate limits of the City of New Braunfels, Comal County, Texas, and being Lot 5, Block 1, George Subdivision, Unit 3, according to map or plat recorded in Volume 8, Page 242 of the Map and Plat Records of Comal County, Texas, together with all rights, privileges, and appurtenances pertaining thereto, including but not limited to: water rights, claims, permits, strips and gores, easements, and cooperative or association memberships.
 - B. IMPROVEMENTS: All permanently installed buildings, storage facilities, water wells, fences and gates.
 - SALES PRICE: The Sales Price for the Property is \$415,000.00. The Seller and the City acknowledge that this contract is entered at arm's length and each party was acting independently and without influence of the other or a third party. Further, the City is not acquiring this Property under any threat of Eminent Domain and no federal funding shall be utilized.
- 4. EARNEST MONEY: Upon execution of this Contract by all parties, Buyer must deposit \$5,000 as earnest money with New Braunfels Title Company (Karin Boos), as escrow agent, at 243 S. Seguin Avenue, New Braunfels, Texas 78130. If Buyer fails to deposit the earnest money as required by this Contract, Buyer will be in default.

5. TITLE POLICY AND SURVEY:

- A. TITLE POLICY: Seller will furnish to Buyer at Seller's expense an owner policy of title insurance (Title Policy) issued by New Braunfels Title Company (Title Company) in the amount of the Sales Price, dated at or after Closing, insuring Buyer against loss under the provisions of the Title Policy, subject to the promulgated exclusions (including existing building and zoning ordinances) and the following exceptions:
 - The standard printed exception for standby fees, taxes and assessments.

- (2)Reservations or exceptions otherwise permitted by this Contract or as may be approved by Buyer pursuant to Paragraph 5D below.
- The standard printed exception as to marital rights. (3)
- The standard printed exception as to waters, tidelands, beaches, streams and (4) related matters.
- The standard printed exception as to discrepancies, conflicts, shortages in (5)area or boundary lines, encroachments or protrusions, or overlapping improvements. Buyer, at Buyer's expense, may have the exception amended to read, "shortages in area".
- COMMITMENT: Within 20 days after the Title Company receives a copy of this B. Contract, Seller will cause the Title Company to furnish to Buyer, Buyer's counsel, Seller and Seller's counsel a commitment for title insurance (Commitment) and legible copies of restrictive covenants and documents evidencing exceptions in the Commitment (Exception Documents) other than the standard printed exceptions. Seller authorizes the Title Company to mail or hand deliver the Commitment and Exception Documents to Buyer at Buyer's address shown in Paragraph 20.
- Within 30 days after the effective date of this Contract, Seller must C.provide Buyer with the most current copy of the Property survey that is available. If it is determined by the Title Company that a new survey is needed for closing, Buyer must obtain a survey at Buyer's sole expense.
- OBJECTIONS: Buyer may object in writing to (i) defects, exceptions, or D. encumbrances to title disclosed on the Survey other than items 5A(1) through (4) above and/or the Commitment other than items 5A(1) through (5) above; or (ii) any portion of the Property lying in a special flood hazard area (Zone V or A) as shown on the current Federal Emergency Management Agency map. Buyer must object the earlier of (i) the Closing Date or (ii) 15 days after Buyer receives the Commitment, Exception Documents and Survey. Buyer's failure to object within the time allowed will constitute a waiver of Buyer's right to object; except that the requirements in Schedule C of the Commitment are not waived by Buyer. Provided Seller is not obligated to incur any expense, Seller will use commercially reasonable efforts to cure the timely objections of Buyer within 15 days after Seller receives the objections, and the Closing Date will be extended as necessary. If objections are not cured within such 15 day period, then Buyer has the right to terminate this Contract, whereupon the carnest money will be refunded to Buyer. If Buyer does not elect to terminate this Contract, Buyer is deemed to have waived the objections and accepted the Commitment and the Survey.
- EXCEPTION DOCUMENTS: No Exception Documents have been provided as E. of the effective date of this Contract but are to be delivered pursuant to Paragraph 5B above.
- LEASES: Prior to the execution of this Contract, Seller has provided Buyer with RRM MAM copies of written leases and given notice of oral leases ("Leases") listed below or on the attached exhibit. The following Leases will be permitted exceptions in the

Title Policy and will not be a basis for objection to title: Oral lease between Seller (Lessor) and A-Amigo Bail Bonds (Lessee) on a month-to-month term.

G. TITLE NOTICES:

- (1) <u>Abstract or Title Policy</u>: Broker advises Buyer to have an abstract of title covering the Property examined by an attorney of Buyer's selection, or Buyer should be furnished with or obtain a Title Policy. If a Title Policy is furnished, the Commitment should be promptly reviewed by an attorney of Buyer's choice due to the time limitations on Buyer's right to object.
- (2) <u>Statutory Tax Districts</u>: If the Property is situated in a utility or other statutorily created district providing water, sewer, drainage, or flood control facilities and services, Chapter 49, Texas Water Code, requires Seller to deliver and Buyer to sign the statutory notice relating to the tax rate, bonded indebtedness, or standby fee of the district prior to final execution of this Contract.
- (3) <u>Tide Waters</u>: If the Property abuts the tidally influenced waters of the state, §33.135, Texas Natural Resources Code, requires a notice regarding coastal area property to be included in the Contract. An addendum containing the notice promulgated by TREC or required by the parties must be used.
- (4) Annexation: If the Property is located outside the limits of a municipality, Seller notifies Buyer under §5.011, Texas Property Code, that the Property may now or later be included in the extraterritorial jurisdiction of a municipality and may now or later be subject to annexation by the municipality. Each municipality maintains a map that depicts its boundaries and extraterritorial jurisdiction. To determine if the Property is located within a municipality's extraterritorial jurisdiction or is likely to be located within a municipality's extraterritorial jurisdiction, contact all municipalities located in the general proximity of the Property for further information.
- Provider: Notice required by §13.257, Water Code: The real property, described in Paragraph 2, that you are about to purchase may be located in a certificated water or sewer service area, which is authorized by law to provide water or sewer service to the properties in the certificated area. If your property is located in a certificated area there may be special costs or charges that you will be required to pay before you can receive water or sewer service. There may be a period required to construct lines or other facilities necessary to provide water or sewer service to your property. You are advised to determine if the property is in a certificated area and contact the utility service provider to determine the cost that you will be required to pay and the period, if any, that is required to provide water or sewer service to your property. The undersigned Buyer hereby acknowledges receipt of the foregoing notice at or before the execution of a binding contract for the purchase of the real property described in Paragraph 2 or at Closing of purchase of the real property.

- (6) Public Improvement Districts: If the Property is in a public improvement district, § 5.014, Property Code, requires Seller to notify Buyer as follows: As a purchaser of this parcel of real property you are obligated to pay an assessment to a municipality or county for an improvement project undertaken by a public improvement district under Chapter 372, Local Government Code. The assessment may be due annually or in periodic installments. More information concerning the amount of the assessment and the due dates of that assessment may be obtained from the municipality or county levying the assessment. The amount of the assessments is subject to change. Your failure to pay the assessments could result in a lien on and the foreclosure of your property.
- (7) <u>Texas Agricultural Development District</u>: Seller has no knowledge whether the Property is located in a Texas Agricultural Development District. For additional information contact the Texas Department of Agriculture.
- (8) Rollback Taxes: If for the current ad valorem tax year the taxable value of the Land that is the subject of this Contract is determined by a special appraisal method that allows for appraisal of the Land at less than its market value, the person to whom the Land is transferred may not be allowed to qualify the Land for that special appraisal in a subsequent tax year and the Land may then be appraised at its full market value. In addition, the transfer of the Land or a subsequent change in the use of the Land may result in the imposition of an additional tax plus interest as a penalty for the transfer or the change in the use of the Land. The taxable value of the Land and the applicable method of appraisal for the current tax year is public information and may be obtained from the tax appraisal district established for the county in which the Land is located.

6. PROPERTY CONDITION:

A. ACCESS, INSPECTIONS AND UTILITIES: Seller permits Buyer and Buyer's agents access to the Property to conduct its due diligence of the Property at reasonable times. Buyer may have the Property inspected by inspectors selected by Buyer and licensed by TREC or otherwise permitted by law to make inspections. Any hydrostatic testing must be separately authorized by Seller in writing.

NOTICE: Buyer should determine the availability of utilities to the Property suitable to satisfy Buyer's needs.

- B. SELLER'S DISCLOSURE NOTICE PURSUANT TO SECTION 5.008, TEXAS PROPERTY CODE (Notice): The Texas Property Code does not require Seller to furnish this Notice.
- C. ACCEPTANCE OF PROPERTY CONDITION: Buyer accepts the Property AS IS. "As Is" means the present condition of the Property with any and all defects and without warranty except for the warranties of title and the warranties in this

Contract. Buyer's agreement to accept the Property As Is under this Paragraph 6C does not preclude Buyer from inspecting the Property under Paragraph 6A, from negotiating repairs or treatments in a subsequent amendment, or from terminating this Contract during the Option Period.

- D. ENVIRONMENTAL MATTERS: Buyer is advised that the presence of wetlands, toxic substances, including asbestos and wastes or other environmental hazards, or the presence of a threatened or endangered species or its habitat may affect Buyer's intended use of the Property. During the Option Period, Buyer may conduct a Phase 1 Environmental Site Assessment, at Buyers sole expense, to satisfy itself about the environmental condition of the Property.
- E. SELLER'S REPRESENTATIONS AND WARRANTIES: Except as otherwise disclosed in this Contract, Seller hereby represents and warrants to Buyer that, as of the effective date and as of the Closing Date, it has no actual knowledge of the following:
 - any flooding of the Property which has had a material adverse effect on the Seller's use of the Property;
 - (2) any pending or threatened litigation, condemnation, or special assessment affecting the Property;
 - (3) any environmental hazards or conditions which materially affect the Property;
 - (4) any dumpsite, landfill, or underground tanks or containers now or previously located on the Property;
 - (5) any wetlands, as defined by federal or state law or regulation, affecting the Property; or
 - (6) any threatened or endangered species or their habitat affecting the Property.

Buyer is not relying upon any of Seller's representations, statements or assertions concerning the Property, and Buyer is not relying on Seller to provide any information on the Property which Buyer has not independently verified; further, Buyer is relying solely upon Buyer's independent verifications rather than Seller's information, assertions, statements or representations. If to Buyer's Actual Knowledge (as hereinafter defined) or reasonable belief, any of the representations contained in this Paragraph 6E are not true and correct as of the date hereof or at Closing, Buyer may, at its option, (i) waive such misrepresentations and close this transaction, or (ii) terminate this Contract by written notice thereof to Seller and to Title Company and the earnest money will be returned to Buyer, in which event the parties shall have no further right or obligation hereunder except for Buyer's obligations which are expressly intended to survive. Except as provided herein, Buyer hereby acknowledges and agrees that, upon the Closing Date, any claim of

Buyer that any representation of Seller herein is not true and correct will be automatically waived in full by Buyer, if Buyer had Actual Knowledge of such misrepresentation prior to the Closing. As used herein, "Actual Knowledge" with respect to Buyer means and applies to the actual knowledge of the person or persons overseeing the due diligence of the Property for Buyer.

7. **BROKER'S FEES:** Buyer owes no broker's fees. All obligations of the Seller for payment of broker's fees are contained in a separate written agreement.

8. CLOSING:

A. The Closing of the sale ("Closing") will be on or before June 14, 2019, or within 7 days after objections made under Paragraph 5D have been cured or waived, whichever date is later. The date on which Closing actually occurs or is scheduled to occur is referred to herein as the "Closing Date". If either party fails to close the sale by the Closing Date, the non-defaulting party may exercise the remedies contained in Paragraph 15.

B. At Closing:

- (1) Seller must execute and deliver a general warranty deed conveying title to the Property to the City and showing no additional exceptions to those permitted in Paragraph 5 and furnish tax statements or certificates showing no delinquent taxes on the Property.
- (2) Buyer will pay the cash portion of the Sales Price in good funds acceptable to escrow agent.
- (4) Seller will execute and deliver to Buyer an Assignment of Lease for the agreement described in Paragraph 5F of this agreement.
- (5) Seller and Buyer must execute and deliver any notices, statements, certificates, affidavits, releases, loan documents and other documents required of them by this Contract, the Commitment or law necessary for the Closing of the sale and the issuance of the Title Policy.
- (6) There will be no liens, assessments, or security interests against the Property which will not be satisfied out of the sales proceeds unless securing the payment of any loans assumed by Buyer and assumed loans will not be in default.
- **POSSESSION:** Seller shall deliver to Buyer possession of the Property in its present or required condition, ordinary wear and tear excepted, upon Closing and funding, subject to the rights of those claiming under any of the permitted exceptions.

10. SPECIAL PROVISIONS:

A. Buyer's obligations under this Contract are subject to approval by the City Council of the purchase of the Property evidenced hereby. If the City Council denies Project funding and the purchase of the Property after the expiration of the option period described in Paragraph 22 of this contract, this Contract will terminate, and all earnest money will be returned to Buyer as their sole remedy.

11. SETTLEMENT AND OTHER EXPENSES:

- A. The following expenses must be paid at or prior to Closing:
 - (1) Expenses payable by Seller (Seller's Expenses):
 - (a) Releases of existing liens, including prepayment penalties and recording fees; release of Seller's loan liability; tax statements or certificates; preparation of deeds; one-half of escrow fee; and other expenses payable by Seller under this Contract.
 - (2) Expenses payable by Buyer (Buyer's Expenses):
 - (a) Loan origination, discount, buy-down, and commitment fees (Loan Fees).
 - (b) Appraisal fees; loan application fees; credit reports; preparation of loan documents; interest on the notes from the date of disbursement to one month prior to dates of first monthly payments; recording fees; copies of easements and restrictions; mortgagee title policy with endorsements required by lender; loan-related inspection fees; photos, amortization schedules, one-half of escrow fee; all prepaid items, including required premiums for flood and hazard insurance, reserve deposits for insurance, ad valorem taxes and special governmental assessments; final compliance inspection; courier fee, repair inspection, underwriting fee and wire transfer, expenses incident to any loan, and other expenses payable by Buyer under this Contract.

12. PRORATIONS AND ROLLBACK TAXES:

- A. PRORATIONS: Taxes for the current year, interest, maintenance fees, assessments, dues and rents will be prorated through the Closing Date. Seller will have no obligation to pay any 2019 taxes on the Property other than those prorated to Buyer. Seller will deliver to Buyer the prorated rent amount for Lease described in Paragraph 5F from the date of closing through the end of the month of June, 2019.
- **B. ROLLBACK TAXES:** If this sale or Buyer's use of the Property after Closing results in the assessment of additional taxes, penalties or interest (Assessments) for periods prior to Closing, the Assessments will be the obligation of Buyer. If

Assessments are imposed because of Seller's use or change in use of the Property prior to Closing, the Assessments will be the obligation of Seller. Obligations imposed by this paragraph will survive Closing.

- 13. CASUALTY LOSS: The parties acknowledge that the improvements located on the Land do not contribute to the value, and that any casualty loss of such improvements will not affect the parties' respective obligations hereunder or the amount of the Sales Price.
- 14. **DEFAULT:** If Buyer fails to comply with this Contract, Buyer will be in default, and Seller may (a) terminate this Contract and receive the earnest money as liquidated damages, thereby releasing both parties from this Contract; provided, however, Seller will be entitled to recover its attorneys' fees and costs in enforcing its right to receive the earnest money. If, due to factors beyond Seller's control, Seller fails within the time allowed to deliver the Commitment, Buyer may (a) extend the time for performance up to 15 days and the Closing Date will be extended as necessary or (b) terminate this Contract as the sole remedy and receive the earnest money. If Seller fails to comply with this Contract for any other reason, Seller will be in default and Buyer may (a) enforce specific performance or (b) terminate this Contract and receive the earnest money, thereby releasing both parties from this Contract; provided, however Buyer will be entitled to recover its attorneys' fees and costs in enforcing its right to receive the earnest money. The foregoing is subject to the controlling provisions set forth in Paragraphs 10 and 22.
- 15. **MEDIATION:** It is the policy of the State of Texas to encourage resolution of disputes through alternative dispute resolution procedures such as mediation. Any dispute between Seller and Buyer related to this Contract which is not resolved through informal discussion may be submitted to a mutually acceptable mediation service or provider. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction.
- 16. ATTORNEY'S FEES: The prevailing party in any legal proceeding related to this Contract is entitled to recover reasonable attorney's fees and all costs of such proceeding incurred by the prevailing party.

17. ESCROW:

- A. ESCROW: The escrow agent is not (i) a party to this Contract and does not have liability for the performance or nonperformance of any party to this Contract, (ii) liable for interest on the earnest money and (iii) liable for the loss of any earnest money caused by the failure of any financial institution in which the earnest money has been deposited unless the financial institution is acting as escrow agent.
- **B. EXPENSES:** At Closing, the earnest money must be applied first to any cash down payment, then to Buyer's Expenses and any excess refunded to Buyer. If no Closing occurs, escrow may: (i) require a written release of liability of the escrow agent from all parties, (ii) require payment of unpaid expenses incurred on behalf of a party, and (iii) only deduct from the earnest money the amount of unpaid expenses incurred on behalf of the party receiving the earnest money.

- C. DEMAND: Upon termination of this Contract, either party or the escrow agent may send a release of earnest money to each party and the parties shall execute counterparts of the release and deliver same to the escrow agent. If either party fails to execute the release, either party may make a written demand to the escrow agent for the earnest money. If only one party makes written demand for the earnest money, escrow agent shall promptly provide a copy of the demand to the other party. If escrow agent does not receive written objection to the demand from the other party within 15 days, escrow agent may disburse the earnest money to the party making demand reduced by the amount of unpaid expenses incurred on behalf of the party receiving the earnest money and escrow agent may pay the same to the creditors. If escrow agent complies with the provisions of this paragraph, each party hereby releases escrow agent from all adverse claims related to the disbursal of the earnest money.
- **D. DAMAGES:** Any party who wrongfully fails or refuses to sign a release acceptable to the escrow agent within 7 days of receipt of the request will be liable to the other party for (i) damages, (ii) the earnest money, (iii) reasonable attorneys' fees, and (iv) all costs of suit.
- E. NOTICES: Escrow agent's notices will be effective when sent in compliance with Paragraph 21. Notice of objection to the demand will be deemed effective upon receipt by escrow agent.
- 18. **REPRESENTATIONS:** All covenants, representations and warranties in this Contract survive Closing. If any representation of Seller in this Contract is untrue on the Closing Date, Seller will be in default. Unless expressly prohibited by written agreement, Seller may continue to show the Property and receive, negotiate and accept back-up offers.
- 19. **FEDERAL TAX REQUIREMENTS:** If Seller is a "foreign person", as defined by applicable law, or if Seller fails to deliver an affidavit to Buyer that Seller is not a "foreign person", then Buyer shall withhold from the sales proceeds an amount sufficient to comply with applicable tax law and deliver the same to the Internal Revenue Service together with appropriate tax forms. Internal Revenue Service regulations require filing written reports if currency in excess of specified amounts is received in the transaction.
- **20. NOTICES:** All notices from one party to the other must be in writing and are effective when mailed to, hand-delivered at, or transmitted by facsimile or electronic transmission as follows:

To Seller at: Oakwood Estates, Inc

260 Lakeview Blvd New Braunfels, TX

78130

Ronald R. Nevitt 4 Royal Crest

New Braunfels, TX 78130

To Buyer at:
City of New Braunfels
Attn: City Manager
550 Landa Street
New Braunfels, TX 78130

Copies of notices must also be sent at the same time as notices to a party to that party's attorney listed in Paragraph 23.

- 21. AGREEMENT OF PARTIES: This Contract contains the entire agreement of the parties and cannot be changed except by their written agreement. Addenda which are a part of this Contract are: Environmental Assessment, Threatened or Endangered Species and Wetlands Addendum.
- Buyer has until May 31, 2019, ("Option Period") to 22. **TERMINATION OPTION:** determine whether the Property is suitable to Buyer. Seller agrees to permit Buyer and Buyer's inspectors access to the Property. Buyer agrees to conduct any such inspections and studies so as not to disrupt, interfere with or damage the Property or Seller's or Seller's Tenant's operations. Except as provided for in Paragraph 10A, if Buyer determines, in Buyer's sole judgment, that the Property is not suitable for Buyer's intended use or that Buyer does not want to purchase the Property, then Buyer may terminate this Contract during the Option Period by providing written notice of termination to Seller (which notice, to be effective, must be received by Seller during the Option Period, and, in such event, the earnest money will be refunded to Buyer (except \$2,500.00) which is independent consideration for Buyer's termination rights) and neither party will have any further obligations to the other hereunder except for matters which are to specifically survive termination of this Contract. If Buyer does not terminate within the time required, Buyer will be deemed to have accepted the Property.
- 23. CONSULT AN ATTORNEY: Real estate licensees cannot give legal advice. READ THIS CONTRACT CAREFULLY. If you do not understand the effect of this Contract, consult an attorney BEFORE signing.

Seller's Attorney is:	Buyer's Attorney is:
	Valeria M. Acevedo / City Attorney's Office
	City of New Braunfels
	550 Landa Street
	New Braunfels, TX 78130
	Telephone: 830-221-4281
	Email: vacevedo@nbtexas.org

24. FORM OF SIGNATURE: Buyer and Seller agree that telecopy, facsimile or electronic signatures may be used in place of original signatures on this Contract with the same legal effect. Buyer and Seller further agree that the Title Company and other third parties may rely on telecopy, facsimile or electronic signatures as original signatures and hereby waive any defense to the enforcement of this Contract based on the form of signature.

- **25. ASSIGNABILITY:** The Buyer has the right to assign this Contract; provided, that contemporaneously with the assignment, the assignee must assume all of assignor's obligations hereunder.
- 26. COUNTERPART SIGNATURES: This Contract may be executed in several counterparts, each of which will be fully effective as an original and all of which together constitute one and the same instrument.
- 27. **EFFECTIVE DATE:** This Contract is not effective or binding until signed by Seller and Buyer, and the Title Company has acknowledged receipt of the executed Contract and the earnest money as evidenced by the date of receipt below.

[Signatures on following page]

SELLER:	BUYER:
Name: RONALD R. NEVITT Date: MARCH 12, 2019 Name: AHY V. Nevitt Date: MARCH 12, 2019	CITY OF NEW BRAUNFELS Kold Clun Robert Camareno City Manager Date: 4-9- , 2019
Name:, 2019	LEGAL OF RECO

SELLER: Oakwood Estates, Inc.	BUYER:	
Name: Marcia B. McGlothlin	CITY OF NEW BRAUNFELS	
Date: March 12, 2019	Robert Camareno City Manager	
Name:	Date:	, 2019
Date:, 2019		
Name:		
Date: , 2019		

Offic		Valeria M. Acevedo / City Attorney's
		City of New Braunfels
		550 Landa Street
		New Braunfels, TX 78130
		Telephone: 830-221-4281
		Email: vacevedo@nbtexas.org
24.	electronic signatures may be used in place same legal effect. Buyer and Seller furth parties may rely on telecopy, facsimile or	and Seller agree that telecopy, facsimile or of original signatures on this Contract with the er agree that the Title Company and other third electronic signatures as original signatures and ement of this Contract based on the form of
25.	ASSIGNABILITY: The Buyer has to contemporaneously with the assignment obligations hereunder.	he right to assign this Contract; provided, that the assignee must assume all of assignor's
26.	COUNTERPART SIGNATURES: counterparts, each of which will be fully e constitute one and the same instrument.	This Contract may be executed in several flective as an original and all of which together
27.	EFFECTIVE DATE: This Contract i and Buyer, and the Title Company has a and the carnest money as evidenced by the	s not effective or binding until signed by Seller eknowledged receipt of the executed Contract date of receipt below.
	Signatures on fo	llowing page
SELLI	ER:	BUYER:
OC Name:	Levin Dueth	CITY OF NEW BRAUNFELS
Date:	2/11/19	¥.
2019	, 1	
		Robert Camareno
Norman		City Manager
Name: 2019		Date: .
Date:	2010	
	, 2019	
Name: Date:	. 2019	
Lane.	. 2017	

CONTRACT AND EARNEST MONEY RECEIPT

Receipt of \square Contract and \square \$5,000.00 Ear	rnest Money in the form of is acknowledged.
	NEW BRAUNFELS TITLE COMPANY
EFFECTIVE DATE:	By: Name: Title:
, 2019	

LOX 1 (6.807 AC.)

P:/Surveying/2019/1905/02/FIELD/1905.02_Field.dwg

SITE

FLOOD NOTE:

NOTES



City Council Agenda Item Report

550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. D)

Presenter/Contact

Matthew Eckmann, Facilities and Real Estate Manager (830) 221-4089 - meckmann@nbtexas.org

SUBJECT:

Discuss and consider approval of the purchase of 10.485 acres, being Lot 1, George Subdivision, Unit 2, located on W. San Antonio Street, New Braunfels, Texas and authorize the City Manager to execute all necessary documents.

BACKGROUND / RATIONALE:

Proposition 3 of the 2019 Bond Election which passed in May 2019, allocated funds for the purchase of land and construction of a new Police Headquarters.

The City executed a contract on February 4, 2019 with David G. Pfeuffer and Frank B. Suhr for the purchase of 10.485 acres located on W. San Antonio Street immediately adjacent to the property addressed as 3030 W. San Antonio Street in the amount of \$1,375,000 plus necessary closing costs. Closing is scheduled for June 12, 2019.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:				

FISCAL IMPACT:

Funding to support this purchase has been incorporated into the reimbursement resolution approved by City Council this evening. The City will utilize existing cash reserved to support this expenditure with the intention of being reimbursed by the actual bond proceeds once they are issued later this fiscal year.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.



TEXAS ASSOCIATION OF REALTORS®

COMMERCIAL CONTRACT - UNIMPROVED PROPERTY

USE OF THIS FORM BY PERSONS WHO ARE NOT MEMBERS OF THE TEXAS ASSOCIATION OF REALTORS® IS NOT AUTHORIZED.

©Texas Association of REALTORS®, Inc. 2018

		ARTIES: Seller agrees to sell and convey to Buyer the Property described in Paragraph 2. Buyer agrees buy the Property from Seller for the sales price stated in Paragraph 3. The parties to this contract are:
	S	eller: David G. Pfeuffer and Frank B. Suhr
		Address: 170 E San Antonio St, New Braunfels, TX 78130-6531 Phone: (830)629-8008 E-mail: dpfeuffer@nblawyers.net Fax: Other: FSuhr@newbraunfelslaw.com
	В	uyer: City of New Braunfels
		Address: 550 Landa St, New Braunfels, TX 78130-6110 Phone: (830)221-4089 (Matt) E-mail: Matt - meckmann@nbtexas.org Fax: Other:
2.	Pl	ROPERTY:
	Α.	"Property" means that real property situated in <u>Comal</u> County, Texas at W. San Antonio Street
		(address) and that is legally described on the attached Exhibit
,	В.	 Seller will sell and convey the Property together with: (1) all rights, privileges, and appurtenances pertaining to the Property, including Seller's right, title, and interest in any minerals, utilities, adjacent streets, alleys, strips, gores, and rights-of-way; (2) Seller's interest in all leases, rents, and security deposits for all or part of the Property; and (3) Seller's interest in all licenses and permits related to the Property.
	•	escribe any exceptions, reservations, or restrictions in Paragraph 12 or an addendum.) mineral rights are to be reserved an appropriate addendum should be attached.)
3.	SA	ALES PRICE:
	A.	At or before closing, Buyer will pay the following sales price for the Property:
		(1) Cash portion payable by Buyer at closing \$
		(2) Sum of all financing described in Paragraph 4
		(3) Sales price (sum of 3A(1) and 3A(2))

Page 1 of 14 City of New

(TAR-1802) 4-1-18 Initialed for Identification by Seller Jand Buyer Phone: 8303587800 Phone: 8303587800 Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com Fax: 8302146434

Comme	rcial Contract - Unimproved Property concerning <u>W. San Antonio Street</u>
В.	Adjustment to Sales Price: (Check (1) or (2) only.)
X	(1) The sales price will not be adjusted based on a survey.(2) The sales price will be adjusted based on the latest survey obtained under Paragraph 6B.
	(a) The sales price is calculated on the basis of \$ per: ☐ (i) square foot of ☐ total area ☐ net area. ☐ (ii) acre of ☐ total area ☐ net area.
	 (b) "Total area" means all land area within the perimeter boundaries of the Property. "Net area" means total area less any area of the Property within: (i) public roadways;
	☐ (ii) rights-of-way and easements other than those that directly provide utility services to the Property; and☐ (iii)
	(c) If the sales price is adjusted by more than% of the stated sales price, either party may terminate this contract by providing written notice to the other party within days after the terminating party receives the survey. If neither party terminates this contract or if the variance is less than the stated percentage, the adjustment to the sales price will be made to the cash portion of the sales price payable by Buyer.
4. FIN	ANCING: Buyer will finance the portion of the sales price under Paragraph 3A(2) as follows:
☐ A.	Third Party Financing: One or more third party loans in the total amount of \$
	This contract: (1) is <u>not</u> contingent upon Buyer obtaining third party financing. (2) is contingent upon Buyer obtaining third party financing in accordance with the attached Commercial Contract Financing Addendum (TAR-1931).
☐ B.	Assumption: In accordance with the attached Commercial Contract Financing Addendum (TAR-1931), Buyer will assume the existing promissory note secured by the Property, which balance at closing will be \$
□ c.	Seller Financing: The delivery of a promissory note and deed of trust to Seller under the terms of the attached Commercial Contract Financing Addendum (TAR-1931) in the amount of \$
5. EA	RNEST MONEY:
	Not later than 3 days after the effective date, Buyer must deposit \$ \$5,000.00 as earnest money with New Braunfels Title Company (title company) at 243 S Seguin Avenue. New Braunfels, TX (address) Karin Boos (closer). If Buyer fails to timely deposit the earnest money, Seller may terminate this contract or exercise any of Seller's other remedies under Paragraph 15 by providing written notice to Buyer before Buyer deposits the earnest money.
В.	Buyer will deposit an additional amount of \$ with the title company to be made part of the earnest money on or before: (i) days after Buyer's right to terminate under Paragraph 7B expires; or (ii)
	Buyer will be in default if Buyer fails to deposit the additional amount required by this Paragraph 5B within 3 days after Seller notifies Buyer that Buyer has not timely deposited the additional amount.
	Buyer may instruct the title company to deposit the earnest money in an interest-bearing account at a federally insured financial institution and to credit any interest to Buyer.
TAR-180	12) 4-1-18 Initialed for Identification by Seller And Buyer Polymer Page 2 of 14

Com	nercia	I Contract - Unimproved Property concerning W. San Antonio Street
6. 7	TTLE	POLICY AND SURVEY:
Ä	A. <u>Ti</u>	tle Policy:
	(1)	 Seller, at Seller's expense, will furnish Buyer an Owner's Policy of Title Insurance (the title policy issued by any underwriter of the title company in the amount of the sales price, dated at or afte closing, insuring Buyer against loss under the title policy, subject only to: (a) those title exceptions permitted by this contract or as may be approved by Buyer in writing; and (b) the standard printed exceptions contained in the promulgated form of title policy unless this contract provides otherwise.
	(2) X	The standard printed exception as to discrepancies, conflicts, or shortages in area and boundary lines, or any encroachments or protrusions, or any overlapping improvements: (a) will not be amended or deleted from the title policy. (b) will be amended to read "shortages in areas" at the expense of Buyer Seller.
	(3)	Within 30 days after the effective date, Seller will furnish Buyer a commitment for title insurance (the commitment) including legible copies of recorded documents evidencing title exceptions. Seller authorizes the title company to deliver the commitment and related documents to Buyer at Buyer's address.
В	. <u>Su</u>	<u>rvev</u> : Within <u>5</u> days after the effective date:
] (1)	Buyer will obtain a survey of the Property at Buyer's expense and deliver a copy of the survey to Seller. The survey must be made in accordance with the: (i) ALTA/NSPS Land Title Survey standards, or (ii) Texas Society of Professional Surveyors' standards for a Category 1A survey under the appropriate condition. Seller will reimburse Buyer
] (2)	Seller, at Seller's expense, will furnish Buyer a survey of the Property dated after the effective date. The survey must be made in accordance with the: (i) ALTA/NSPS Land Title Survey standards, or (ii) Texas Society of Professional Surveyors' standards for a Category 1A survey under the appropriate condition.
X	(3)	Seller will deliver to Buyer and the title company a true and correct copy of Seller's most recent survey of the Property along with an affidavit required by the title company for approval of the existing survey. If the existing survey is not acceptable to the title company, \square Seller \square Buyer (updating party), will, at the updating party's expense, obtain a new or updated survey acceptable to the title company and deliver the acceptable survey to the other party and the title company within 20 days after the title company notifies the parties that the existing survey is not acceptable to the title company. The closing date will be extended daily up to 20 days if necessary for the updating party to deliver an acceptable survey within the time required. The other party will reimburse the updating party none (insert amount or percentage) of the cost of the new or updated survey at closing, if closing occurs.
C.	<u>Bu</u> y	ver's Objections to the Commitment and Survey:
		Within 10 days after Buyer receives the last of the commitment, copies of the documents evidencing the title exceptions, and any required survey, Buyer may object in writing to matters disclosed in the items if: (a) the matters disclosed are a restriction upon the Property or constitute a defect or encumbrance to title other than those permitted by this contract or liens that Seller will satisfy at closing or Buyer will assume at closing; or (b) the items show that any part of the Property lies in a special flood hazard area (an "A" or "V" zone as defined by FEMA). If the commitment or survey is revised or any new document evidencing a title exception is delivered, Buyer may object to any new matter revealed in such revision or new document. Buyer's objection must be made within the same number of days stated in this paragraph, heginning when the revision or new

(TAR-1802) 4-1-18

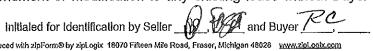
Initialed for Identification by Seller

er /

Commercial Contract - Unimproved Property concerning W. San Antonio Street		
document is delivered to Buyer. If Paragraph 6B(1) applies, Buyer is deemed to receive the surve on the earlier of: (i) the date of Buyer's actual receipt of the survey; or (ii) of the deadline specifie in Paragraph 6B.		
(2) Seller may, but is not obligated to, cure Buyer's timely objections within 15 days after Seller receives the objections. The closing date will be extended as necessary to provide such time to cure the objections. If Seller fails to cure the objections by the time required, Buyer may terminate this contract by providing written notice to Seller within 5 days after the time by which Seller must cure the objections. If Buyer terminates, the earnest money, less any independent consideration under Paragraph 7B(1), will be refunded to Buyer.		
(3) Buyer's failure to timely object or terminate under this Paragraph 6C is a waiver of Buyer's right to object except that Buyer will not waive the requirements in Schedule C of the commitment.		
7. PROPERTY CONDITION:		
A. <u>Present Condition</u> : Buyer accepts the Property in its present condition except that Seller, a Seller's expense, will complete the following before closing: <u>none</u>		
· · · · · · · · · · · · · · · · · · ·		
B. <u>Feasibility Period</u> : Buyer may terminate this contract for any reason within <u>Special Provisions</u> days after the effective date (feasibility period) by providing Seller written notice of termination.		
(1) Independent Consideration. (Check only one box and insert amounts.)		
(a) If Buyer terminates under this Paragraph 7B, the earnest money will be refunded to Buyer less that Seller will retain as independent consideration for Buyer's unrestricted right to terminate. Buyer has tendered the independent consideration to Seller upon payment of the amount specified in Paragraph 5A to the title company. The independent consideration is to be credited to the sales price only upon closing of the sale. If no dollar amount is stated in this Paragraph 7B(1) or if Buyer fails to deposit the earnest money. Buyer will not have the right to terminate under this Paragraph 7B.		
(b) Not later than 3 days after the effective date, Buyer must pay Seller \$ as independent consideration for Buyer's right to terminate by tendering such amount to Seller or Seller's agent. If Buyer terminates under this Paragraph 7B, the earnest money will be refunded to Buyer and Seller will retain the independent consideration. The independent consideration will be credited to the sales price only upon closing of the sale. If no dollar amount is stated in this Paragraph 7B(2) or if Buyer fails to pay the independent consideration, Buyer will not have the right to terminate under this Paragraph 7B.		
(2) <u>Feasibility Period Extension</u> : Prior to the expiration of the initial feasibility period, Buyer may extend the feasibility period for a single period of an additional days by depositing additional earnest money in the amount of \$ with the title company. <u>If no dollar amount is stated in this Paragraph or if Buyer fails to timely deposit the additional earnest money, the extension of the feasibility period will not be effective.</u>		
C. Inspections, Studies, or Assessments:		
(1) During the feasibility period, Buyer, at Buyer's expense, may complete or cause to be completed any and all inspections, studies, or assessments of the Property (including all improvements and fixtures) desired by Buyer.		
(TAR-1802) 4-1-18 InItialed for Identification by Seller and Buyer PC. Page 4 of 14		

С	omm	ercial Contract - Unimproved Property concerning W. San Antonio Street
		(2) Buyer must:
		 (a) employ only trained and qualified inspectors and assessors; (b) notify Seller, in advance, of when the inspectors or assessors will be on the Property; (c) abide by any reasonable entry rules or requirements of Seller; (d) not interfere with existing operations or occupants of the Property; and (e) restore the Property to its original condition if altered due to inspections, studies, o assessments that Buyer completes or causes to be completed.
		(3) Except for those matters that arise from the negligence of Seller or Seller's agents, Buyer is responsible for any claim, liability, encumbrance, cause of action, and expense resulting from Buyer's inspections, studies, or assessments, including any property damage or personal injury Buyer will indemnify, hold harmless, and defend Seller and Seller's agents against any claim involving a matter for which Buyer is responsible under this paragraph. This paragraph survives termination of this contract.
	D.	Property Information:
		 (1) <u>Delivery of Property Information</u>: Within5 days after the effective date, Seller will deliver to Buyer: (Check all that apply.) X (a) copies of all current leases, including any mineral leases, pertaining to the Property, including
		any modifications, supplements, or amendments to the leases; (b) copies of all notes and deeds of trust against the Property that Buyer will assume or that Seller will not pay in full on or before closing;
		(c) copies of all previous environmental assessments, geotechnical reports, studies, or analyses made on or relating to the Property;
		(d) copies property tax statements for the Property for the previous 2 calendar years;
		(e) plats of the Property; (f) copies of current utility capacity letters from the Property's water and sewer service provider; and
		(g) Survey of Property dated December 1, 2011
		(2) <u>Return of Property Information</u> : If this contract terminates for any reason, Buyer will, not later than 10 days after the termination date: (Check all that apply.)
		(a) return to Seller all those items described in Paragraph 7D(1) that Seller delivered to Buyer in other than an electronic format and all copies that Buyer made of those items;
		(b) delete or destroy all electronic versions of those items described in Paragraph 7D(1) that Seller delivered to Buyer or Buyer copied in any format; and
		(c) deliver to Seller copies of all inspection and assessment reports related to the Property that Buyer completed or caused to be completed. This Paragraph 7D(2) survives termination of this contract.
	E.	Contracts Affecting Operations: Until closing, Seller: (1) will operate the Property in the same manner as on the effective date under reasonably prudent business standards; and (2) will not transfer or dispose of any part of the Property, any interest or right in the Property, or any of the personal property or other items described in Paragraph 2B or sold under this contract. After the feasibility period ends, Seller may not enter into, amend, or terminate any other contract that affects the operations of the Property without Buyer's written approval.
8.	LE	ASES:
	A.	Each written lease Seller is to assign to Buyer under this contract must be in full force and effect according to its terms. Seller may not enter into any new lease, fail to comply with any existing lease, or make any amendment or modification to any existing lease without Buyer's written consent. Seller

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		•
Comm	ercial Contract - Unimproved Property concerning <u>W. Sar</u>	Antonio Street
	or subsequently occur before closing: (1) any failure by Seller to comply with Seller's (2) any circumstances under any lease that en or damages; (3) any advance sums paid by a tenant under a (4) any concessions, bonuses, free rents, reba any lease; and	atitle the tenant to terminate the lease or seek any offsets any lease; ates, brokerage commissions, or other matters that affect t have been assigned or encumbered, except as security
В.	certificates signed not earlier than in the Property. The estoppel certificates must of TAR Form 1938 - Commercial Tenant Estop by a third party lender providing financing under the commercial tenancing under the comm	by each tenant that leases space by each tenant that leases space include the certifications contained in the current version opel Certificate and any additional information requested der Paragraph 4 if the third party lender requests such to the earliest date that Seller may deliver the signed
9. BF	ROKERS:	
A.	The brokers to this sale are:	
	Principal Broker: NCG Commercial Group	Cooperating Broker:
	Agent: W. M. Norris Address: 373 S Seguin Avenue New Braunfels, Tx 79130 Phone & Fax: (830)358-8702 (830)832-5879	Agent:Address:Phone & Fax:
	E-mall: miken@ncgcre.com License No.: 9000964	E-mail:
Pri X	incipal Broker: <i>(Check only one box)</i> represents Seller only. represents Buyer only. is an intermediary between Seller and Buyer.	Cooperating Broker represents Buyer.
В.	Fees: (Check only (1) or (2) below.) (Complete the Agreement Between Brokers on	page 14 only if (1) is selected.)
X		specified by separate written commission agreement oal Broker will pay Cooperating Broker the fee specified blow the parties' signatures to this contract.
	(2) At the closing of this sale, Seller will pay:	
	Principal Broker a total cash fee of: % of the sales price	Cooperating Broker a total cash fee of: % of the sales price
	The cash fees will be paid in the title company to pay the brokers from the	Comal County, Texas. Seller authorizes
(TAR-18	302) 4-1-18 Initialed for Identification by Seller	

Comme	rcial Contract - Unimproved Property concerning W. San Antonio Street
	NOTICE: Chapter 62, Texas Property Code, authorizes a broker to secure an earned commission with a lien against the Property.
C.	The parties may not amend this Paragraph 9 without the written consent of the brokers affected by the amendment,

10.

. CI	LOSING:
A.	The date of the closing of the sale (closing date) will be on or before the later of: (1) days after the expiration of the feasibility period. X
В.	If either party fails to close by the closing date, the non-defaulting party may exercise the remedies in Paragraph 15.
C.	At closing, Seller will execute and deliver, at Seller's expense, a general x special warranty deed. The deed must include a vendor's lien if any part of the sales price is financed. The deed must converge good and indefeasible title to the Property and show no exceptions other than those permitted under Paragraph 6 or other provisions of this contract. Seller must convey the Property:

- (1) with no liens, assessments, or other security interests against the Property which will not be satisfied out of the sales price, unless securing loans Buyer assumes;
- (2) without any assumed loans in default; and
- (3) with no persons in possession of any part of the Property as lessees, tenants at sufferance, or trespassers except tenants under the written leases assigned to Buyer under this contract.
- D. At closing, Seller, at Seller's expense, will also deliver to Buyer:
 - (1) tax statements showing no delinquent taxes on the Property;
 - (2) an assignment of all leases to or on the Property;
 - (3) to the extent assignable, an assignment to Buyer of any licenses and permits related to the Property:
 - (4) evidence that the person executing this contract is legally capable and authorized to bind Seller;
 - (5) an affidavit acceptable to the title company stating that Seller is not a foreign person or, if Seller is a foreign person, a written authorization for the title company to: (i) withhold from Seller's proceeds an amount sufficient to comply with applicable tax law; and (ii) deliver the amount to the Internal Revenue Service (IRS) together with appropriate tax forms; and
 - (6) any notices, statements, certificates, affidavits, releases, and other documents required by this contract, the commitment, or law necessary for the closing of the sale and issuance of the title policy, all of which must be completed by Seller as necessary.

E. At closing, Buyer will:

- (1) pay the sales price in good funds acceptable to the title company;
- (2) deliver evidence that the person executing this contract is legally capable and authorized to bind Buver:
- (3) sign and send to each tenant in a lease for any part of the Property a written statement that:
 - (a) acknowledges Buyer has received and is responsible for the tenant's security deposit; and
 - (b) specifies the exact dollar amount of the security deposit;
- (4) sign an assumption of all leases then in effect; and
- (5) execute and deliver any notices, statements, certificates, or other documents required by this contract or law necessary to close the sale.
- F. Unless the parties agree otherwise, the closing documents will be as found in the basic forms in the current edition of the State Bar of Texas Real Estate Forms Manual without any additional clauses.

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- 11. POSSESSION: Seller will deliver possession of the Property to Buyer upon closing and funding of this sale in its present condition with any repairs Seller is obligated to complete under this contract, ordinary wear and tear excepted. Any possession by Buyer before closing or by Seller after closing that is not authorized by a separate written lease agreement is a landlord-tenant at sufferance relationship between the parties.
- 12. SPECIAL PROVISIONS: The following special provisions apply and will control in the event of a conflict with other provisions of this contract. (If special provisions are contained in an Addendum, identify the Addendum here and reference the Addendum in Paragraph 22D.)

Special Provisions Addendum Attached hereto is hereby made a part of this Contract.



13. SALES EXPENSES:

- A. <u>Seller's Expenses</u>: Seller will pay for the following at or before closing:
 - (1) releases of existing liens, other than those liens assumed by Buyer, including prepayment penalties and recording fees;
 - (2) release of Seller's loan liability, if applicable;
 - (3) tax statements or certificates;
 - (4) preparation of the deed;
 - (5) one-half of any escrow fee;
 - (6) costs to record any documents to cure title objections that Seller must cure; and
 - (7) other expenses that Seller will pay under other provisions of this contract.
- B. Buyer's Expenses: Buyer will pay for the following at or before closing:
 - (1) all loan expenses and fees;
 - (2) preparation of any deed of trust;
 - (3) recording fees for the deed and any deed of trust;
 - (4) premiums for flood insurance as may be required by Buyer's lender;
 - (5) one-half of any escrow fee;
 - (6) other expenses that Buyer will pay under other provisions of this contract.

14. PRORATIONS:

A. Prorations:

- (1) Interest on any assumed loan, taxes, rents, and any expense reimbursements from tenants will be prorated through the closing date.
- (2) If the amount of ad valorem taxes for the year in which the sale closes is not available on the closing date, taxes will be prorated on the basis of taxes assessed in the previous year. If the taxes for the year in which the sale closes vary from the amount prorated at closing, the parties will adjust the prorations when the tax statements for the year in which the sale closes become available. This Paragraph 14A(2) survives closing.
- (3) If Buyer assumes a loan or is taking the Property subject to an existing lien, Seller will transfer all reserve deposits held by the lender for the payment of taxes, insurance premiums, and other charges to Buyer at closing and Buyer will reimburse such amounts to Seller by an appropriate adjustment at closing.
- B. Rollback Taxes: If Seller's use of change in use of the Property before closing results in the assessment of additional taxes, penalties, or interest (assessments) for periods before closing the assessments will be the obligation of the Seller. If this sale or Buyer's use of the Property after closing results in additional assessments for periods before closing, the assessments will be the obligation of Buyer. This Paragraph 14B survives closing.

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and Buyer DC

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Commercial Contract - Unimproved Property concerning W. San Antonio Street

C. Rent and Security Deposits: At closing, Seller will tender to Buyer all security deposits and the following advance payments received by Seller for periods after closing: prepaid expenses, advance rental payments, and other advance payments paid by tenants. Rents prorated to one party but received by the other party will be remitted by the recipient to the party to whom it was prorated within 5 days after the rent is received. This Paragraph 14C survives closing.

15. DEFAULT:

A. If Buyer fails to comply with this contract, Buyer is in default and Seller, as Seller's sole remedy(ies), may terminate this contract and receive the earnest money, as liquidated damages for Buyer's failure except for any damages resulting from Buyer's inspections, studies or assessments in accordance with Paragraph 7C(3) which Seller may pursue; or (Check if applicable)

enforce specific performance, or seek such other relief as may be provided by law.

- B. If, without fault, Seller is unable within the time allowed to deliver the estoppel certificates, survey or the commitment, Buyer may:
 - (1) terminate this contract and receive the earnest money, less any independent consideration under Paragraph 7B(1), as liquidated damages and as Buyer's sole remedy; or
 - (2) extend the time for performance up to 15 days and the closing will be extended as necessary.
- C. Except as provided in Paragraph 15B, if Seller fails to comply with this contract, Seller is in default and Buyer may:
 - (1) terminate this contract and receive the earnest money, less any independent consideration under Paragraph 7B(1), as liquidated damages and as Buyer's sole remedy; or
 - (2) enforce specific performance, or seek such other relief as may be provided by law, or both.
- **16. CONDEMNATION:** If before closing, condemnation proceedings are commenced against any part of the Property, Buyer may:
 - A. terminate this contract by providing written notice to Seller within 15 days after Buyer is advised of the condemnation proceedings and the earnest money, less any independent consideration paid under Paragraph 7B(1), will be refunded to Buyer; or
 - B. appear and defend in the condemnation proceedings and any award will, at Buyer's election, belong to:
 - (1) Seller and the sales price will be reduced by the same amount; or
 - (2) Buyer and the sales price will not be reduced.
- 17. ATTORNEY'S FEES: If Buyer, Seller, any broker, or the title company is a prevailing party in any legal proceeding brought under or with relation to this contract or this transaction, such party is entitled to recover from the non-prevailing parties all costs of such proceeding and reasonable attorney's fees. This Paragraph 17 survives termination of this contract.

18, ESCROW:

- A. At closing, the earnest money will be applied first to any cash down payment, then to Buyer's closing costs, and any excess will be refunded to Buyer. If no closing occurs, the title company may require payment of unpaid expenses incurred on behalf of the parties and a written release of liability of the title company from all parties.
- B. If one party makes written demand for the earnest money, the title company will give notice of the demand by providing to the other party a copy of the demand. If the title company does not receive written objection to the demand from the other party within 15 days after the date the title company sent the demand to the other party, the title company may disburse the earnest money to the party making demand, reduced by the amount of unpaid expenses incurred on behalf of the party receiving the earnest money and the title company may pay the same to the creditors.

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Commercial Contract - Unimproved Property concerning	W. San Antonio Street
C. The title company will deduct any indep	oendent consideration under Paragraph 7B(1) before disbursing
any earnest money to Buyer and will pa	y the independent consideration to Seller.

- D. If the title company complies with this Paragraph 18, each party hereby releases the title company from all claims related to the disbursal of the earnest money.
- E. Notices under this Paragraph 18 must be sent by certified mail, return receipt requested. Notices to the title company are effective upon receipt by the title company.
- F. Any party who wrongfully fails or refuses to sign a release acceptable to the title company within 7 days after receipt of the request will be liable to the other party for: (i) damages; (ii) the earnest money; (iii) reasonable attorney's fees; and (iv) all costs of suit.
- G. Seller Buyer intend(s) to complete this transaction as a part of an exchange of like-kind properties in accordance with Section 1031 of the Internal Revenue Code, as amended. All expenses in connection with the contemplated exchange will be paid by the exchanging party. The other party will not incur any expense or liability with respect to the exchange. The parties agree to cooperate fully and in good faith to arrange and consummate the exchange so as to comply to the maximum extent feasible with the provisions of Section 1031 of the Internal Revenue Code. The other provisions of this contract will not be affected in the event the contemplated exchange fails to occur.

19. MATERIAL FACTS:	To the best of Seller's	knowledge and belief:	(Check only one box.)
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- A. Seller is not aware of any material defects to the Property except as stated in the attached Commercial Property Condition Statement (TAR-1408).
- X B. Except as otherwise provided in this contract, Seller is not aware of:
 - (1) any subsurface: structures, pits, waste, springs, or improvements;
 - (2) any pending or threatened litigation, condemnation, or assessment affecting the Property;
 - (3) any environmental hazards or conditions that materially affect the Property;
 - (4) whether the Property is or has been used for the storage or disposal of hazardous materials or toxic waste, a dump site or landfill, or any underground tanks or containers;
 - (5) whether radon, asbestos containing materials, urea-formaldehyde foam insulation, lead-based paint, toxic mold (to the extent that it adversely affects the health of ordinary occupants), or other pollutants or contaminants of any nature now exist or ever existed on the Property;
 - (6) any wetlands, as defined by federal or state law or regulation, on the Property;
 - (7) any threatened or endangered species or their habitat on the Property;
 - (8) any present or past infestation of wood-destroying insects in the Property's improvements;
 - (9) any contemplated material changes to the Property or surrounding area that would materially and detrimentally affect the ordinary use of the Property;
 - (10) any condition on the Property that violates any law or ordinance.

(Describe any exceptions to (1)-(10) in Paragraph 12 or an addendum.)

- 20. NOTICES: All notices between the parties under this contract must be in writing and are effective when hand-delivered, mailed by certified mail return receipt requested, or sent by facsimile transmission to the parties addresses or facsimile numbers stated in Paragraph 1. The parties will send copies of any notices to the broker representing the party to whom the notices are sent.
- A. Seller also consents to receive any notices by e-mail at Seller's e-mail address stated in Paragraph 1.
- B. Buyer also consents to receive any notices by e-mail at Buyer's e-mail address stated in Paragraph 1.
- 21. DISPUTE RESOLUTION: The parties agree to negotiate in good faith in an effort to resolve any dispute related to this contract that may arise. If the dispute cannot be resolved by negotiation, the parties will submit the dispute to mediation before resorting to arbitration or litigation and will equally share the costs of a mutually acceptable mediator. This paragraph survives termination of this contract. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction.

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Commercial Contract - Unimp	proved Property concerning	W. San Antonio Street
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22. AGREEMENT OF THE PARTIES:

- A. This contract is binding on the parties, their heirs, executors, representatives, successors, and permitted assigns. This contract is to be construed in accordance with the laws of the State of Texas. If any term or condition of this contract shall be held to be invalid or unenforceable, the remainder of this contract shall not be affected thereby.
- B. This contract contains the entire agreement of the parties and may not be changed except in writing.
- C. If this contract is executed in a number of identical counterparts, each counterpart is an original and all counterparts, collectively, constitute one agreement.

<u>D</u> .	Addenda which are part of this contract are: (Check all that apply.)
X	(1) Property Description Exhibit identified in Paragraph 2;
	(2) Commercial Contract Financing Addendum (TAR-1931);
	(3) Commercial Property Condition Statement (TAR-1408);
	(4) Commercial Contract Addendum for Special Provisions (TAR-1940);
	(5) Notice to Purchaser of Real Property in a Water District (MUD);
	(6) Addendum for Coastal Area Property (TAR-1915);
	(7) Addendum for Property Located Seaward of the Gulf Intracoastal Waterway (TAR-1916);
X	(8) Information About Brokerage Services (TAR-2501);
	(9) Information About Mineral Clauses in Contract Forms (TAR-2509); and
X	(10)Special Provisions Addendum

(Note: Counsel for the Texas Association of REALTORS® (TAR) has determined that any of the foregoing addenda which are promulgated by the Texas Real Estate Commission (TREC) or published by TAR are appropriate for use with this form.)

- E. Buyer | may |x| may not assign this contract. If Buyer assigns this contract, Buyer will be relieved of any future liability under this contract only if the assignee assumes, in writing, all obligations and liability of Buyer under this contract.
- 23. TIME: Time is of the essence in this contract. The parties require strict compliance with the times for performance. If the last day to perform under a provision of this contract falls on a Saturday, Sunday, or legal holiday, the time for performance is extended until the end of the next day which is not a Saturday. Sunday, or legal holiday.
- 24. EFFECTIVE DATE: The effective date of this contract for the purpose of performance of all obligations is the date the title company receipts this contract after all parties execute this contract.

25. ADDITIONAL NOTICES:

- A. Buyer should have an abstract covering the Property examined by an attorney of Buyer's selection, or Buyer should be furnished with or obtain a title policy.
- B. If the Property is situated in a utility or other statutorily created district providing water, sewer, drainage, or flood control facilities and services, Chapter 49, Texas Water Code, requires Seller to deliver and Buyer to sign the statutory notice relating to the tax rate, bonded indebtedness, or standby fees of the district before final execution of this contract.
- C. Notice Required by §13.257, Water Code: "The real property, described below, that you are about to purchase may be located in a certificated water or sewer service area, which is authorized by law to provide water or sewer service to the properties in the certificated area. If your property is located in a certificated area there may be special costs or charges that you will be required to pay before you can receive water or sewer service. There may be a period required to construct lines or other facilities necessary to provide water or sewer service to your property. You are advised to determine if the property is in a certificated area and contact the utility service provider to determine the cost that you

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Commercial Contract - Unimproved Property concerning	W. San Antonio Stree
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will be required to pay and the period, if any, that is required to provide water or sewer service to your property. The undersigned purchaser hereby acknowledges receipt of the foregoing notice at or before the execution of a binding contract for the purchase of the real property described in the notice or at closing of purchase of the real property." The real property is described in Paragraph 2 of this contract.

- D. If the Property adjoins or shares a common boundary with the tidally influenced submerged lands of the state, §33.135 of the Texas Natural Resources Code requires a notice regarding coastal area property to be included as part of this contract (the Addendum for Coastal Area Property (TAR-1915) may be used).
- E. If the Property is located seaward of the Gulf Intracoastal Waterway, §61.025, Texas Natural Resources Code, requires a notice regarding the seaward location of the Property to be included as part of this contract (the Addendum for Property Located Seaward of the Gulf Intracoastal Waterway (TAR-1916) may be used).
- F. If the Property is located outside the limits of a municipality, the Property may now or later be included in the extra-territorial jurisdiction (ETJ) of a municipality and may now or later be subject to annexation by the municipality. Each municipality maintains a map that depicts its boundaries and ETJ. To determine if the Property is located within a municipality's ETJ, Buyer should contact all municipalities located in the general proximity of the Property for further information.
- G. Brokers are not qualified to perform property inspections, surveys, engineering studies, environmental assessments, or inspections to determine compliance with zoning, governmental regulations, or laws. Buyer should seek experts to perform such services. Buyer should review local building codes, ordinances and other applicable laws to determine their effect on the Property. Selection of experts, inspectors, and repairmen is the responsibility of Buyer and not the brokers. Brokers are not qualified to determine the credit worthiness of the parties.
- H. NOTICE OF WATER LEVEL FLUCTUATIONS: If the Property adjoins an impoundment of water, including a reservoir or lake, constructed and maintained under Chapter 11, Water Code, that has a storage capacity of at least 5,000 acre-feet at the impoundment's normal operating level, Seller hereby notifies Buyer: "The water level of the impoundment of water adjoining the Property fluctuates for various reasons, including as a result of: (1) an entity lawfully exercising its right to use the water stored in the impoundment; or (2) drought or flood conditions."
- LICENSE HOLDER DISCLOSURE: Texas law requires a real estate license holder who is a party to a transaction or acting on behalf of a spouse, parent, child, business entity in which the license holder owns more than 10%, or a trust for which the license holder acts as a trustee or of which the license holder or the license holder's spouse, parent or child is a beneficiary, to notify the other party in writing before entering into a contract of sale. Disclose if applicable: n/a
- 26. CONTRACT AS OFFER: The execution of this contract by the first party constitutes an offer to buy or sell the Property. Unless the other party accepts the offer by 5:00 p.m., in the time zone in which the Property is located, on February 8, 2019 , the offer will lapse and become null and void.

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Commercial Contract - Unimproved Property conce	ning IM San Antonio Street	
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READ THIS CONTRACT CAREFULLY. The brokers and agents make no representation or recommendation as to the legal sufficiency, legal effect, or tax consequences of this document or transaction. CONSULT your attorney BEFORE signing.

Seller: David G. Pfeuffer and Frank B. Suhr	Buyer: City of New Braunfels
	Full Comment
By: David Pfeuffer	By: Robert Camareno
By (signature):	By (signature):
Printed Name: David Pfeuffer	Printed Name: Robert Camareno
Title:	Title: City Manager
By: Frank Suhr MMM W	Ву:
By (signature):	By (signature):
Printed Name: Frank Suhr	Printed Name:
Title:	Title:

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City of New

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Buyer

Commercial Contract -Unimproved Property concerning W. San Antonio Street

	TWEEN BROKERS aph 9B(1) is effective)
Principal Broker agrees to pay fee when the Principal Broker's fee is received. The fee \$	(Cooperating Broker) a e to be paid to Cooperating Broker will be:
	cooperating Broker from Principal Broker's fee at closing. brior offers and agreements for compensation between Cooperating Broker:
Ву:	Ву:
ОТТА	RNEYS
Seller's attorney: Ken Brazel	Buyer's attorney: Valeria Acevedo
Address: 170 E San Antonio St	Address: 550 Landa St
New Braunfels TX 78130-6531 Phone & Fax: (830)629-8008	New Braunfels TX 78130-6110 Phone & Fax: (830)221-4281
Thomas and an incompany	1 Hone & Law Tool 1771-1901
E-mail:	E-mail:
Seller's attorney requests copies of documents,	Buyer's attorney requests copies of documents,
notices, and other information: X the title company sends to Seller.	notices, and other information: X the title company sends to Buyer.
X Buyer sends to Seller.	X Seller sends to Buyer.
	RECEIPT
The title company acknowledges receipt of: A. the contract on this day	_ (effective date); D in the form ofCC # 00220996
Title company: NewBraunfals Title	Address: New Braunfels Title Company 243 South Seguin Avenue
By: Man Jul	Phone & Fax: New Braunfels, Texas 78130
Assigned file number (GF#): 142 - 2019	E-mail:

(m) 1400

RC Byon

Special Provision Addendum

The following special provisions apply and will control in the event of a conflict between other provisions of the Commercial Contract - Unimproved Property. This Special Provisions Addendum shall survive Closing.

- 1. THIS SALE IS MADE ON AN "AS IS, WHERE IS, WITH ALL FAULTS" BASIS AND THE DEED SHALL SO REFLECT. AS A MATERIAL PART OF THE CONSIDERATION FOR THE CONTRACT, THE PARTIES UNDERSTAND AND AGREE THAT BUYER IS NOT RELYING UPON ANY REPRESENTATIONS OR WARRANTIES OF THE SELLER, ANY BROKER OR AGENT OF ANY BROKER (EXCEPT THE WARRANTY OF TITLE TO BE INCLUDED IN THE DEED), WHETHER ORAL OR WRITTEN, IN MAKING THE DECISION TO ENTER INTO THIS CONTRACT OR TO CLOSE THE SALE OF SAME. RATHER, BUYER AGREES TO RELY SOLELY ON THE EXPERTISE OF ITS OWN PRINCIPALS AND EMPLOYEES AND/OR EXPERTS HIRED BY IT TO EVALUATE ANY AND ALL ISSUES, CONDITIONS AND MATTERS NECESSARY FOR BUYER TO MAKE THE DECISION TO CLOSE THE SALE.
- 2. The subject property is currently being assessed taxes base on Ag Use. At Closing taxes shall be prorated on the most current Ag basis valuation. All roll back tax, if any, shall be paid or eliminated by Buyer.
- 3. Feasibility Period and Independent Consideration for Feasibility Period:

Not later than 3 business days after the effective date, Buyer <u>must</u> pay to Seller \$5,000 as independent consideration for Buyer's unrestricted right to terminate this contract on or before May 15, 2019. The independent consideration is non-refundable, but will be credited to the sales price upon closing of the sale. If Buyer terminates under this provision, the earnest money will be refunded to Buyer.

- 4. Buyer acknowledges receipt of Property Information that Seller has previously provided Buyer including the Recorded Plat (Jan 12, 1981), Survey (Dec 1, 2011), Utility Map and Zoning Map.
- 5. During the first 90 days of the Feasibility Period Buyer plans to obtain an Appraisal of the property and a Phase I Environmental Report on the Property as part of Buyer's due diligence, and as provided for in item 7 D (2) of the Contract, Buyer shall provide copies of these reports to Seller if Buyer does not purchase the Property.
- 6. This closing of this contract is subject to the approval of the City Council of New Braunfels, Texas; however, if City Council fails to approve the closing after the Feasibility Period the Earnest Money will be forfeited to Seller.

Seller

David Meuffer

Frank Suhr

Buyer: City of New Braunfels

Robert Camareno, City Manager

11/2/2015



Information About Brokerage Services

Texas law requires all real estate licensees to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

TYPES OF REAL ESTATE LICENSE HOLDERS:

- A BROKER is responsible for all brokerage activities, including acts performed by sales agents sponsored by the broker.
- A SALES AGENT must be sponsored by a broker and works with clients on behalf of the broker.

A BROKER'S MINIMUM DUTIES REQUIRED BY LAW (A client is the person or party that the broker represents):

- Put the interests of the client above all others, including the broker's own interests;
- Inform the client of any material information about the property or transaction received by the broker;
- Answer the client's questions and present any offer to or counter-offer from the client; and
- Treat all parties to a real estate transaction honestly and fairly.

A LICENSE HOLDER CAN REPRESENT A PARTY IN A REAL ESTATE TRANSACTION:

AS AGENT FOR OWNER (SELLER/LANDLORD): The broker becomes the property owner's agent through an agreement with the owner, usually in a written listing to sell or property management agreement. An owner's agent must perform the broker's minimum duties above and must inform the owner of any material information about the property or transaction known by the agent, including information disclosed to the agent or subagent by the buyer or buyer's agent,

AS AGENT FOR BUYER/TENANT: The broker becomes the buyer/tenant's agent by agreeing to represent the buyer, usually through a written representation agreement. A buyer's agent must perform the broker's minimum duties above and must inform the buyer of any material information about the property or transaction known by the agent, including information disclosed to the agent by the seller or seller's agent.

AS AGENT FOR BOTH - INTERMEDIARY: To act as an intermediary between the parties the broker must first obtain the written agreement of each party to the transaction. The written agreement must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. A broker who acts as an intermediary:

- Must treat all parties to the transaction impartially and fairly;
- May, with the parties' written consent, appoint a different license holder associated with the broker to each party (owner and buyer) to communicate with, provide opinions and advice to, and carry out the instructions of each party to the transaction.
- Must not, unless specifically authorized in writing to do so by the party, disclose:
 - that the owner will accept a price less than the written asking price;
 - that the buyer/tenant will pay a price greater than the price submitted in a written offer; and
 - any confidential information or any other information that a party specifically instructs the broker in writing not to disclose, unless required to do so by law.

AS SUBAGENT: A license holder acts as a subagent when alding a buyer in a transaction without an agreement to represent the buyer, A subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first.

TO AVOID DISPUTES, ALL AGREEMENTS BETWEEN YOU AND A BROKER SHOULD BE IN WRITING AND CLEARLY ESTABLISH:

- The broker's duties and responsibilities to you, and your obligations under the representation agreement.
- Who will pay the broker for services provided to you, when payment will be made and how the payment will be calculated.

LICENSE HOLDER CONTACT INFORMATION: This notice is being provided for information purposes, it does not create an obligation for you to use the broker's services. Please acknowledge receipt of this notice below and retain a copy for your records,

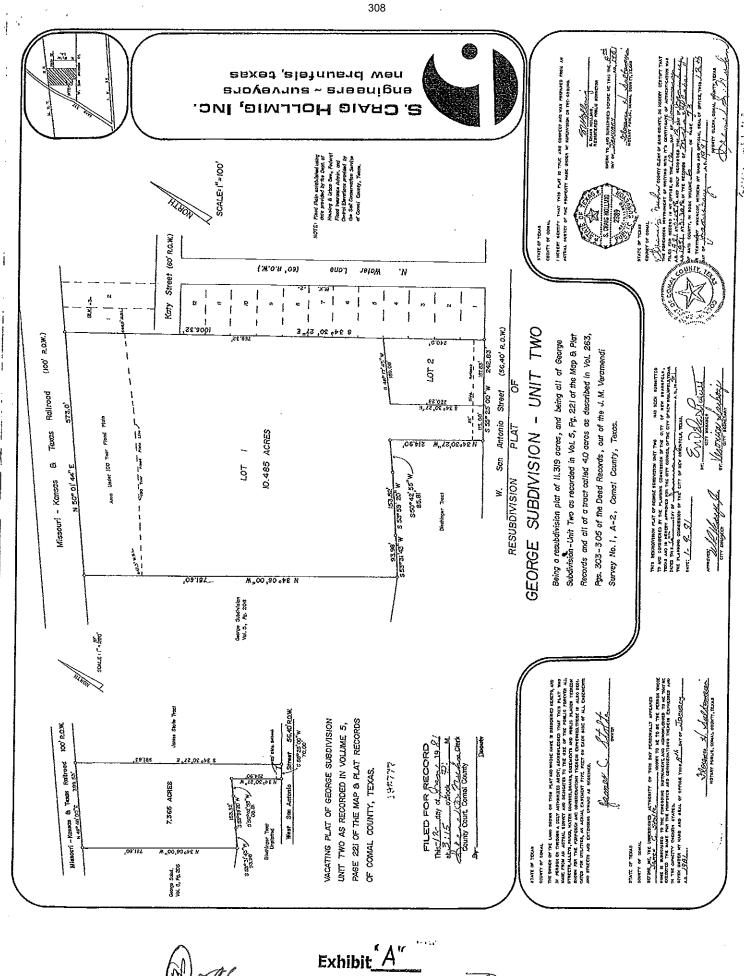
NCG Commercial Real Estate	9000964	mlken@ncgcre.com	(830)358-7800
Licensed Broker /Broker Firm Name or	License No.	Email	Phone
Primary Assumed Business Name			
W M Norris	185345	miken@ncgcre.com	(830)358-7802
Designated Broker of Firm	License No.	Email	Phone
Shaun Gibson	705870	shaun@ncgcre.com	(830)358-7808
Licensed Supervisor of Sales Agent/	License No.	Emall	Phone
Associate			
W M Norris	185345	Miken@ncgcre.com	(830)358-7802
Sales Agent/Associate's Name	License No.	Email	Phone
Buyer/T ena	nt/Soller/Landler Initials	Date	

Regulated by the Texas Real Estate Commission

Information available at www.trec.texas.gov

TAR-2501

IABS 1-0 Date



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City Council Agenda Item Report

550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. E)

Presenter/Contact Garry Ford, City Engineer (830) 221-4020 - gford@nbtexas.org

SUBJECT:

Discuss and consider approval of a resolution to amend portions of Alves Lane and FM 1101 on the City of New Braunfels Regional Transportation Plan.

BACKGROUND / RATIONALE:

The City of New Braunfels received a request to remove the Alves Lane extension between FM 1101 and Barbarosa Road from the Regional Thoroughfare Plan. The Alves Lane extension is a proposed Principal Arterial that realigns FM 1101 to connect to Alves Lane. The Principal Arterial is a regional facility north of Barbarosa Road and follows the FM 1101 alignment that connects to State Highway 123. Existing Alves Lane is designated as Minor Arterial south of Barbarosa Road and is parallel to IH 35. The proposed thoroughfare is the first Guadalupe River crossing south of IH 35 and connects to County Line Road.

The request is associated with the proposed plat of FM 1101 Subdivision Unit 2 Lot 2. The reasons stated by the applicant for the removal of the proposed Alves Lane extension from the thoroughfare plan include that the future thoroughfare alignment is: through platted and recorded parcels; through regulatory floodplain and floodway; will transfer roadway maintenance from the Texas Department of Transportation (TxDOT) to the City; and not practical with the Titan Development. The reason to evaluate the request is primarily based on the proposed alignment through platted and recorded parcels. City staff also identified additional factors to consider for the request including airport expansion, new fire station and training facility in the area, and recommended FM 1101 improvements.

The Alves Lane extension and FM 1101 are critical for the mobility in one of the fastest growing areas in the city. In fact, the recent Alamo Area Metropolitan Planning Organization (AAMPO) Regional Thoroughfare Plan Study is projecting significant congestion in the area even with the full implementation of the thoroughfare plan network due to a lack of additional thoroughfare streets. Removing the extension from the thoroughfare will remove the continuous parallel arterial to IH 35, add traffic demand on Barbarosa Road and not provide thoroughfare requirements in the east quadrant of Barbarosa Road and FM 1101.

The request was initially reviewed by city departments and local agencies including City Manager's Office, Public Works, Fire, Airport, Planning and Community Development, Comal County and TxDOT. All agreed that it is critical to plan for mobility options and maintain thoroughfare streets in the area and removing the Alves Lane extension is not recommended. The City retained WSP, a transportation professional, to study alternatives for the Alves Road and FM 1101 thoroughfares and area.

WSP completed the study which included meeting with agency staff, reviewing data (thoroughfare plan, approved plats and master plans, area traffic impact analyses, New Braunfels Airport Master Plan, traffic counts and other studies), evaluating alternatives and developing a recommendation. The attached memo provides a summary of the study and proposed amendments to the thoroughfare plan. The proposed amendments include:

- Reclassify FM 1101 between Holcan Drive and SH 46 from a Major Collector with 90 feet of right-of-way to a Minor Arterial with 120 feet of right-of-way. Note that TxDOT currently requires 120 feet of right-of-way.
- Realign Alves Lane between Barbarosa Road and FM 1101 to a T-intersection with FM 1101 generally following existing property lines.
- Reclassify Alves Lane between Barbarosa Road and FM 1101 from a Principal Arterial with 150 feet of right-of-way to a Major Collector with 90 feet of right-of-way.

The proposed amendments will address the following issues and needs:

- Remove Alves Lane and FM 1101 realignments on platted parcels.
- Maintain alignment and TxDOT right-of-way needs on FM 1101. The improvement of FM 1101 from FM 306 to Kohlenberg Road has been identified as a potential AAMPO project by TxDOT and the City.
- Maintain connectivity for future development in the east quadrant of Barbarosa Road and FM 1101.
- Provide connectivity for emergency response from the new fire station and training facility located on city property and adjacent to the airport.
- Provide mobility options for existing development and traffic in the area.
- Minimize thoroughfare right-of-way requirements on undeveloped parcels.
- Minimize thoroughfare improvements over the Alligator Creek regulatory floodplain and floodway.

Maintaining, removing or amending the proposed Alves Lane and FM 1101 thoroughfares do not impact the Titan Development or roadway maintenance responsibilities. The addition of the extension of Old FM 483 between FM 1101 and the Alves Lane extension as a Minor Collector with 60 feet of right-of-way will be further evaluated as part of the Major Thoroughfare Plan update that is currently underway.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

Planning Commission held a public hearing on December 4, 2018 and recommended approval of the proposed amendments on a motion that was carried unanimously.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments to City of New Braunfels Regional

Thoroughfare Plan. Staff does not recommend removal of the Alves Lane extension between FM 1101 and Barbarosa Road.

RECEIVED

MAY 23 2018



APPLICATION FOR

REGIONAL TRANSPORTATION PLAN AMENDMENT
Planning and Community Development
550 Landa Street, New Braunfels TX 78130 Phone: (830) 221-4050

Case No. <u>CS-18-018</u>

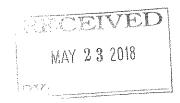
FEE: \$927

(\$900 application fee + \$27 technology fee (3%))

Owner: Thor 1101, Ltd. by Norris Realty of Canyon Lake, Inc.
Address: 373 S. Seguin Avenue, New Braunfels, Texas 78130
Telephone: 830.832.5879 Email: miken@svn.com
Applicant: Chris Van Heerde, PE, HMT Engineering and Surveying
Address: 410 N. Seguin Avenue, New Braunfels, Texas 78130
Telephone: 830.625.8555 Email: chrisvh@hmtnb.com
Amendment Request: Classification 🔳 Realignment 🔲 Removal 🔲 Right-of-way 🔲 Other
Road Segment (road name with the beginning and ending of the segment based upon cross streets):
Alves (Principal Arterial) from where is crosses property legal description A- 1 SUR- 1 A M ESNAURIZAR, ACRES 28.8 to where it intersects and merges with FM 1101
Proposed Amendment: See attached Exhibit
SUBMITTAL REQUIREMENTS All submittal items below must be submitted for application to be accepted for processing. One hard copy and one pdf copy each on flash drive/disc.
🔀 Letter detailing the logic and rational for the request
Exhibit, to scale, showing road segment Traffic Impact Analysis (TIA) Workshoot and TIA Bonort (if associated with a master plan or plat
Traffic Impact Analysis (TIA) Worksheet and TIA Report (if associated with a master plan or plat permit application) as specified in City of New Braunfels Code of Ordinances Sec. 114-99 and 118-4
Exhibit, to scale, showing proposed amendment (realignment, removal and/or right-of-way) \$927 fee (\$900 application fee + \$27 technology fee (3%))
Signed: No Charcle + Date: 10 May 2018
Signed:
Amendment Process:
1. Review by City Departments
 Coordination with local agencies and Texas Department of Transportation (if necessary) Finalization of staff recommendation
Planning Commission makes recommendation to City Council
5. City Council makes final decision through resolution
. OFFICE USE ONLY
Date complete application received: <u>06/25</u> Received by: <u>MO</u>



410 N. SEGUIN AVE. NEW BRAUNFELS, TEXAS, 78130 www.HMTNB.com PH:(830)625-8555



May 22, 2017

Planning Department City of New Braunfels 550 Landa Street New Braunfels, TX 78130

RE: FM 1101 Subdivision Unit 2 Lot 2 – Near Intersection of FM 1101 and Holcan Drive Request for Amendment to the Regional Transportation Plan

Dear Sir/Ma'am:

This is a formal request for an amendment to the Regional Transportation Plan for the Proposed Principal Arterial called "Alves" where it connects to FM 1101. The proposed Final Plat of FM 1101 Subdivision Unit 2 Lot 2 will be 37.97 acres of commercial use. We are requesting the removal of this extension of Alves Lane and connection to FM 1101 as shown on the Regional Transportation Plan in the area of this project and the adjoining 30 acre FM 1101 Creekside 1, Lot 1 (Exhibit 2). Furthermore, we are requesting that the Thoroughfare Plan be amended to show the FM 1101 thoroughfare follow the existing FM 1101 ROW. We are requesting this determination based on the following reasons:

- As shown on the attached proposed plans done by Moeller & Associates, this proposed ROW
 crosses an existing building on Generations, Lot 10.
- In addition, the proposed intersection is in the middle of the platted and recorded FM 1101 Creekside 1, Lot 1, with a zoning of MU-B. This was platted and recorded before the creation of the Regional Transportation Plan.
- A large part of the proposed ROW in this area is within the floodway and floodplain of Alligator Creek making construction and maintenance of such ROW extremely expensive and impractical.
- It is our opinion that it would be in the best interest of the City to not redesign the portion of FM 1101 to Alves Lane as this would transfer maintenance of the realigned road from TxDOT to the City.
- The proposed layout does not seem practical with the large Titan complex along FM 1101.

We understand the needs of the city to plan for future growth of our community; however, we request that consideration be given for an amendment to the Regional Transportation Plan based on the reasons listed above.

Please feel free to contact me at (830) 625-8555 should you have any questions or comments.

Sincerely,

Chris Van Heerde, P.E.

Managing Partner

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BY:

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CITY OF NEW BRAUNFELS TRAFFIC IMPACT ANALYSIS (TIA) WORKSHEET

Complete this worksheet as a requirement for zoning, master plan, plat and permit as specified in City of New Braunfels Code of Ordinances Sections 134/99 and 118-46. Note: The Code provides the minimum information for a TIA report and it is recommended that a scoping meeting be scheduled with the Engineering Division.

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al Information
General
Section 1:

General Information		
Project Name: FM 1101 Subdivision Unit 2 Lot 2		Date: 05/22/2018
Subdivision Plat Name: FM 1101 Subdivision Unit 2 Lot 2	Project Address/Location: FM 1101 and Holcon Drive	Drive
Location?	Comal County	Guadalupe County
Owner Name: Thor 1101, Ltd. By Nortis Realty of Canyon Lake, Inc.	Owner Email:	THE PARTY PROPERTY OF THE PARTY PROPERTY OF THE PARTY PROPERTY OF THE PARTY PROPERTY OF THE PARTY PROPERTY OF THE PARTY PROPERTY
Owner Address: 373 S. Seguin Ave, New Braunfels, TX 78130	Owner Phone: (830) 832-5873	Annual An
Preparer Company: HMT Engineering and Surveying		ALL AND THE PROPERTY OF THE PR
Preparer Name: Chris Van Heerde, PE	Preparer Email: plats@hmtnb.com	- подпринения подп
Preparer Address: 410 N. Seguin Ave., New Braunfels, TX 78130	Preparer Phone: (830) 625-8555	
TIA Report scoping meeting with City	TIA Worksheet/Report approved with	No. Complete Page 1 only.
Engineering Division staff?	previous zoning, plan, plat or permit?	Yes. Complete Pages 1 and 2.
Application Type or Reason for TIA Worksheet/Report		
2oning/Concept Plan/Detail Plan Master Plan Preliminary Plat	Final Plat	Other
TIA Submittal Type (A TIA Worksheet is required with all zoning, plan, plat and permit applications)	olications)	
TIA Worksheet Only (100 peak hour trips or less)	Level 1 TIA Repor	Level 1 TIA Report (101-500 peak hour trips)
TIA Worksheet Only – Previous TIA Report Approved	Level 2 TIA Repor	Level 2 TIA Report (501-1,000 peak hour trips)
TIA Worksheet Only – Previous TIA Report not required (supporting documentation may be required)		Level 3 TIA Report (1,001 or more peak hour trips)

Section 2: Proposed Land Use and Trip Information for Application

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*Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition or most recent; ²E.g., Dwelling Units, Acres, Employees, KSF, etc.

	Reviewed by:			Date:	
Internal Use Only	□ TIA Worksheet is acceptable.	☐ TIA Worksheet requires corrections.	☐ TIA Report required.	□ TIA Report not required.	
TIA Workshoot Revi	isad 12/2017			Page 1	\leftarrow

TIA Worl

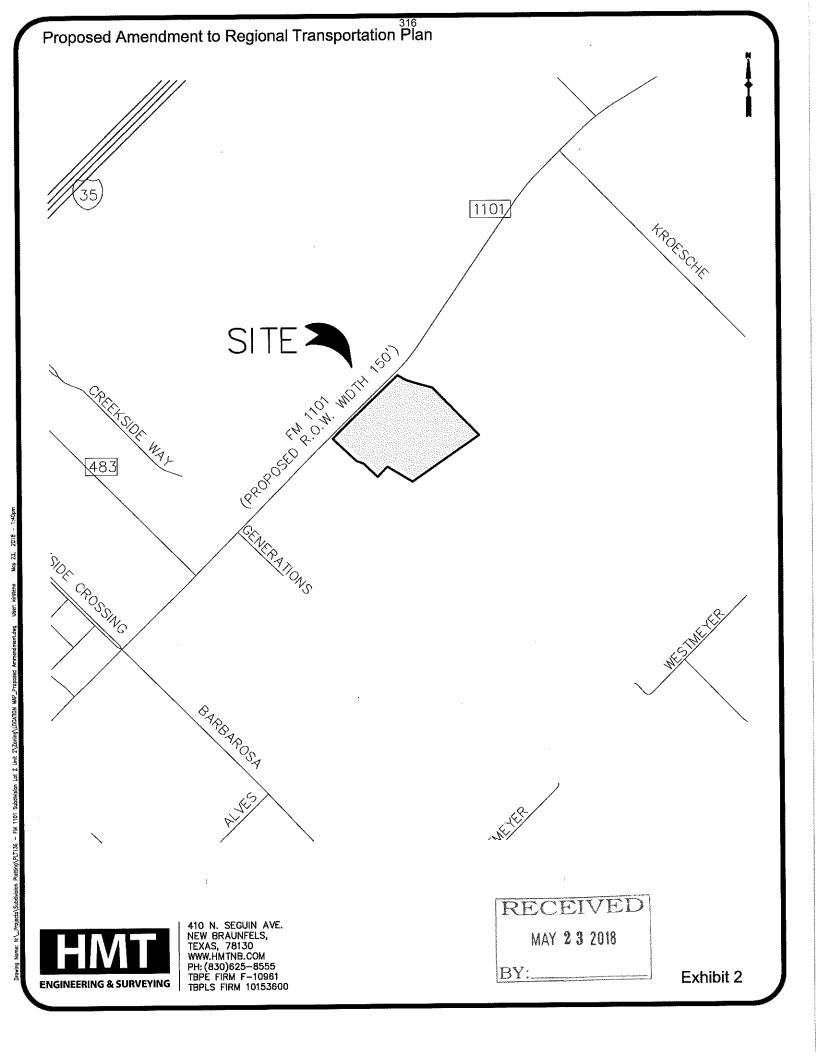
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Type: TIA Worksheet Only Approved with: Zoning/Concept Plan/Detail Plan	Prepare	arer Name:							Date:			***************************************
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Section 4: Status of Land Use and Trip Information for Total Development with Approved TIA Worksheet/Report (All Subdivision Units)	or Total Dev	elopment w	ith Appro	ed TIA W	orksheet/	Report (A	VII Subdivi	sion Units				
Unit Land Use Status ³	TTE Code ¹	ITE Unit?	Est. Project Units	Critical Peak Hour	AM Peak Hour Rate	PM Peak Hour Rate	WKD Peak Hour Rate	Daily Trip Rate	AM Peak Hour Trips	PM Peak Hour Trips	WKD Peak Hour Trips	Daily Trips
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Section 5: Approved TIA Worksheet/Report Conformance

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MEMO

TO: Garry Ford, PE

FROM: Carl Harline, PE; Kerri Collins, PE, PTOE, LEED AP

SUBJECT: City of New Braunfels Major Thoroughfare Plan Amendment – Alves Lane Extension

DATE: October 1, 2018

The City of New Braunfels has retained WSP to evaluate a proposed realignment of the 2012 Regional Transportation Plan in the vicinity of Alves Lane, Barbarosa Road, and FM 1101. The 2012 Regional Thoroughfare Plan is included as an Attachment to this memo. The proposed changes to the thoroughfare plan would alter plans for the extension of Alves Lane north of Barbarosa Road and its intersection with FM 1101. Due to the high residential and commercial growth anticipated for this area, Alves Lane and FM 1101 are anticipated to play a critical role in future northbound/southbound mobility.

EXISTING CONDITIONS

The existing cross section of Alves Lane contains approximately 20-22 feet of pavement width with varying ROW between SH 46 and Barbarosa Road. It is currently a two lane roadway. An existing project will expand the pavement width of Alves Lane and provide a three-lane section, with one lane in each direction and a continuous center left-turn lane. The New Braunfels Regional Thoroughfare Plan designates Alves Lane as a Minor Arterial, with a Right-of-Way (ROW) of 120 feet. The proposed extension as specified in the Regional Thoroughfare Plan is considered a Principal Arterial with a ROW of 150' (see **Figure 1**). The thoroughfare plan section will provide up to three lanes in each direction with median, turn lanes, sidewalks and a shared-use path.

The existing cross section of FM 1101 contains one lane in each direction, both approximately 12 feet in width. Some sections south of the intersection with FM 306/Barbarosa Road contain a center left-turn lane. Shoulder treatments vary along the segment between SH 46 and FM 306. The existing Regional Thoroughfare Plan designates FM 1101 as a Major Collector with a ROW of 90 feet, though existing ROW varies on this roadway and, for some segments, exceeds the 90 foot ROW designation. The existing Hike & Bike Trails Plan shows an off-street shared-use path along FM 1101 and Alligator Creek. The thoroughfare plan section will provide up to two lanes in each direction with median, turn lanes, sidewalks and a shared-use path.

Currently, Barbarosa Road and SH 46 provide the only eastbound/westbound connectivity between Alves Lane, Three Mile Creek, and Saengerhalle Road and the FM 306/IH-35 interchange and the Creekside Crossing shopping center. The Alves Lane extension would provide alternative routes to the Barbarosa Road/FM 1101 intersection by adding additional connectivity to FM 483 and Creekside Way.



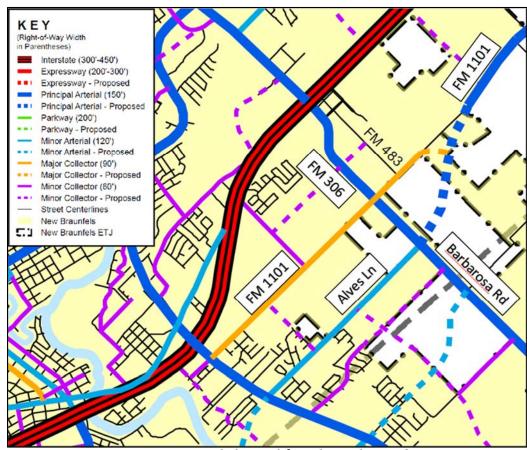


Figure 1. 2012 Regional Thoroughfare Plan within Study Area

LOCAL CONSTRAINTS AND FUTURE LAND USE

2012 REGIONAL THOROUGHFARE PLAN

Both FM 1101 and Alves Lane run northbound/southbound north of SH 46, with FM 1101 currently extending beyond FM 306 and providing more intra-regional connectivity with possible access to FM 758 and SH 123 to San Marcos.

South of SH 46, FM 1101 is constrained by existing commercial and residential development and the Guadalupe River. Under the current Regional Thoroughfare Plan, a southbound extension of Alves Lane to south of SH 46 identifies a potential crossing of the Guadalupe River that may connect with County Line Road south of the river. If this alignment were to be built, traffic patterns may shift resulting in Alves Lane becoming an important northbound/southbound intra-regional connection.

NEW DEVELOPMENT

Several new developments are anticipated for the study area, including the following:

— City of New Braunfels Fire station – To be located on Alves Lane near the alignment of the proposed Alves Lane/FM 1101 intersection as planned by the existing Regional Thoroughfare Plan. The fire station will need to have protected access to Alves Lane, Barbarosa Road, and FM 1101, to optimize response time to local residences and commercial/industrial uses.



- Creekside developments Creekside Crossing shopping center continues to develop for multifamily
 and commercial land uses and will continue to expand in and around the FM 306, IH-35, and FM 1101
 corridors, providing commercial services to the land that is continuing to develop for residential
 housing.
- **Titan Industrial** This industrial complex has access to FM 1101 only and will be anticipating full build out in the near future and generate more traffic for the FM 1101 corridor.
- Heatherfield/Health Commons These two developments will generate more local trips for the study area corridors. Heatherfield will have access on FM 1101 north of the proposed intersection with the Alves Lane extension, while Health Commons will be a mixed-use development including multifamily housing and assisted care. Health Commons will be located at the corner of FM 1101 and Barbarosa Road. Heatherfield Commons is a large residential development that is projected to generate in excess of 6,000 daily trips on FM 1101.

TRAFFIC CHARACTERISTICS

Existing traffic on FM 1101 is approximately 7,300 vehicles per day in both directions, per the Texas Department of Transportation's Transportation Planning and Programming Division and based on 2016 count data. Existing traffic on Alves Lane is approximately 2,000 vehicles per day south of Whistle Wind, and 1,700 vehicles per day north of Whistle Wind, as measured by the Alves Lane PER Traffic Analysis and counts taken in early 2014. With anticipated growth in the area, both roadways are expected to carry significantly more traffic, especially along Barbarosa Road between FM 1101 and Alves Lane. There are also approximately 350 acres of undeveloped parcels with direct access to Alves Lane and FM 1101. The City of New Braunfels Future Land Use map shows the parcels along Alves Lane and FM 1101 to be developed as residential, with a mix of commercial and residential land uses in the vicinity of the Alves Lane extension. These future land uses will add traffic demand to the roadway facilities around Alves Lane, Barbarosa Road, and FM 1101.

ALLIGATOR CREEK FLOODPLAIN

The Alligator Creek floodplain (see **Figure 2**) currently crosses FM 1101 via four corrugated culverts approximately 3 feet in diameter. Development upstream and within Alligator Creek watershed will likely lead to the need to improve conveyance of the creek in the context of any newly built alignment. This floodplain could add cost to the realignment of a proposed intersection of FM 1101 and Alves Lane if the alignment is built as proposed by the Regional Thoroughfare Plan (as shown in **Figure 2**). The existing Hike & Bike Trails Plan shows and off-street shared-use path along Alligator Creek.





Figure 2. Alligator Creek Floodplain near Alves Ln and FM 1101 at Creekside Way.

AIRPORT HAZARD ZONES

Due to the proximity of the study area to the New Braunfels Regional Airport, consideration must be given to runway geometry and their corresponding Runway Protection Zones (RPZs) as established by City of New Braunfels Code of Ordinances, Section 144-5.20-4 and as illustrated by **Figure 3**. The Clear Zone polygon in **Figure 3** is located closest to the Runway pavement, with Approach Zones 1 through 3 to the northwest of the Clear Zone. Of critical interest are the zones associated with Runway 13, which is aligned northwest/southeast and perpendicular to FM 1101 and Alves Lane. The City of New Braunfels also anticipates extending Runway 13 by about 600 feet to the northwest at some point in the future, which may push a future realignment of the Alves Lane/FM 1101 intersection into the Clear Zone for that runway.





Figure 3. Runway 13 Approach Zones and Clear Zone.

PROPOSED ALTERNATIVE ALIGNMENT

In the context of the existing and future development and land use plans anticipated for the FM 1101, Alves Lane, and Barbarosa Road corridors, an alignment was developed that would serve as an alternative to the approved 2012 Regional Thoroughfare Plan. This modification of the current planned alignment would serve to:

- Reclassify FM 1101 between Holcan Drive and SH 46 as a Minor Arterial with 120 feet of planned ROW,
 which would provide greater traffic capacity to accommodate future development.
- Reclassify Alves Lane between Barbarosa Road and FM 1101 as a Major Collector with 90 feet of planned
 ROW to accommodate the anticipated development and related traffic.
- Maintain Alves Lane between Barbarosa Road and SH 46 as a Minor Arterial with 120 feet planned ROW to accommodate anticipated development, increased traffic and proposed Guadalupe River crossing.
- Realign Alves Lane between Barbarosa Road and FM 1101 to a T-intersection geometry with FM 1101, generally following existing property lines to minimize the impact of ROW dedication on property owners and to locate the intersection at a greater distance from both the New Braunfels Airport Runway Protection Zones and Alligator Creek floodplain.
- The proposed realignment of the Alves Lane extension would significantly reduce the distance needed to cross the Alligator Creek floodplain as compared to the current planned alignment.
- Provide access for planned developments, including a future City of New Braunfels fire station



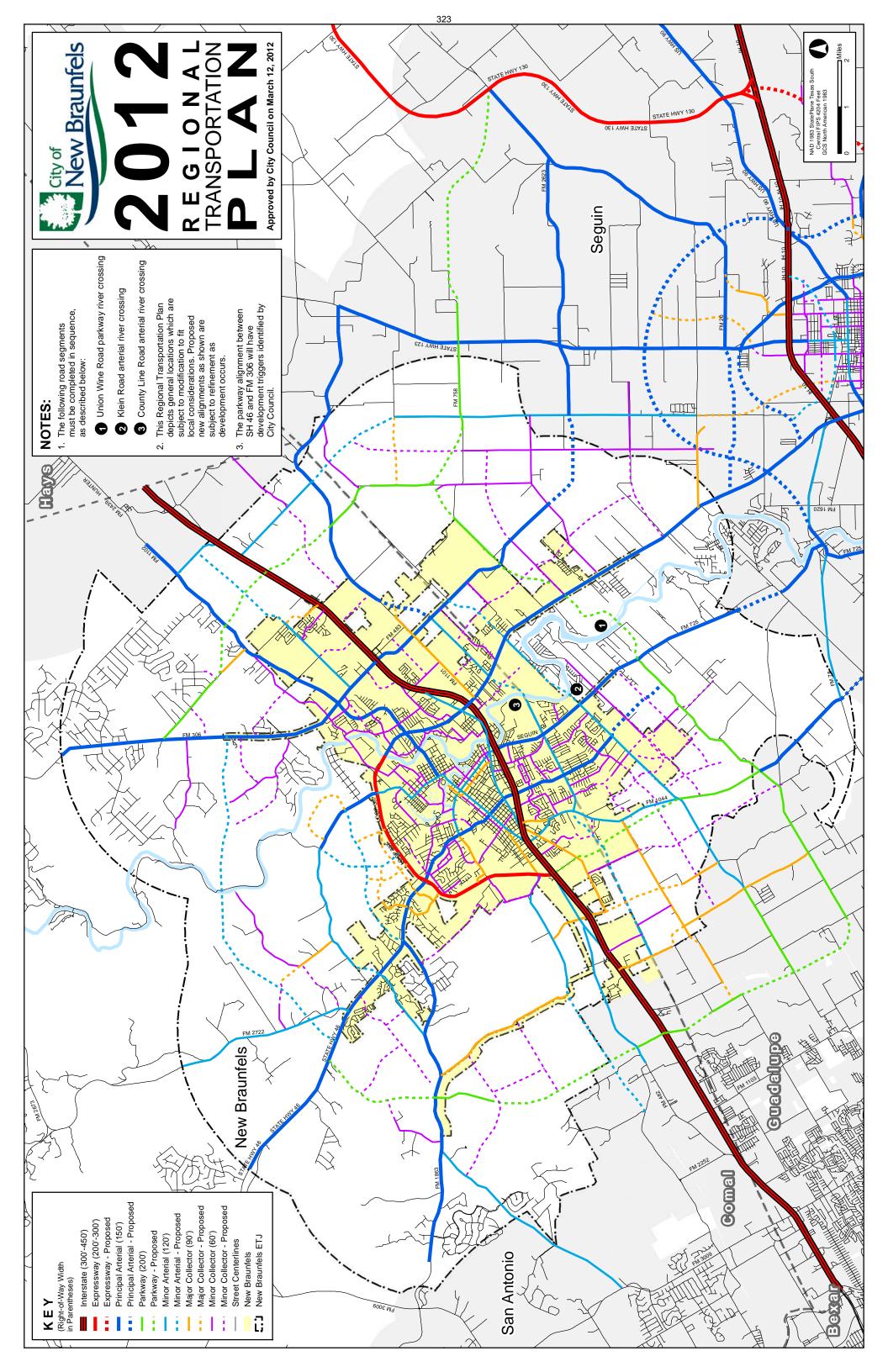
The attached **Thoroughfare Roadway Alignment Alternative Alves Lane Extension** illustrates the proposed realignment, which proposes to reclassify Alves Lane as a Major Collector with 90 feet of ROW. In this alternative, FM 1101 would also be reclassified as a Minor Arterial with 120 feet of ROW. The attached alignment also shows a new roadway as an extension of FM 483 to provide east/west connectivity with the Alves Lane extension.

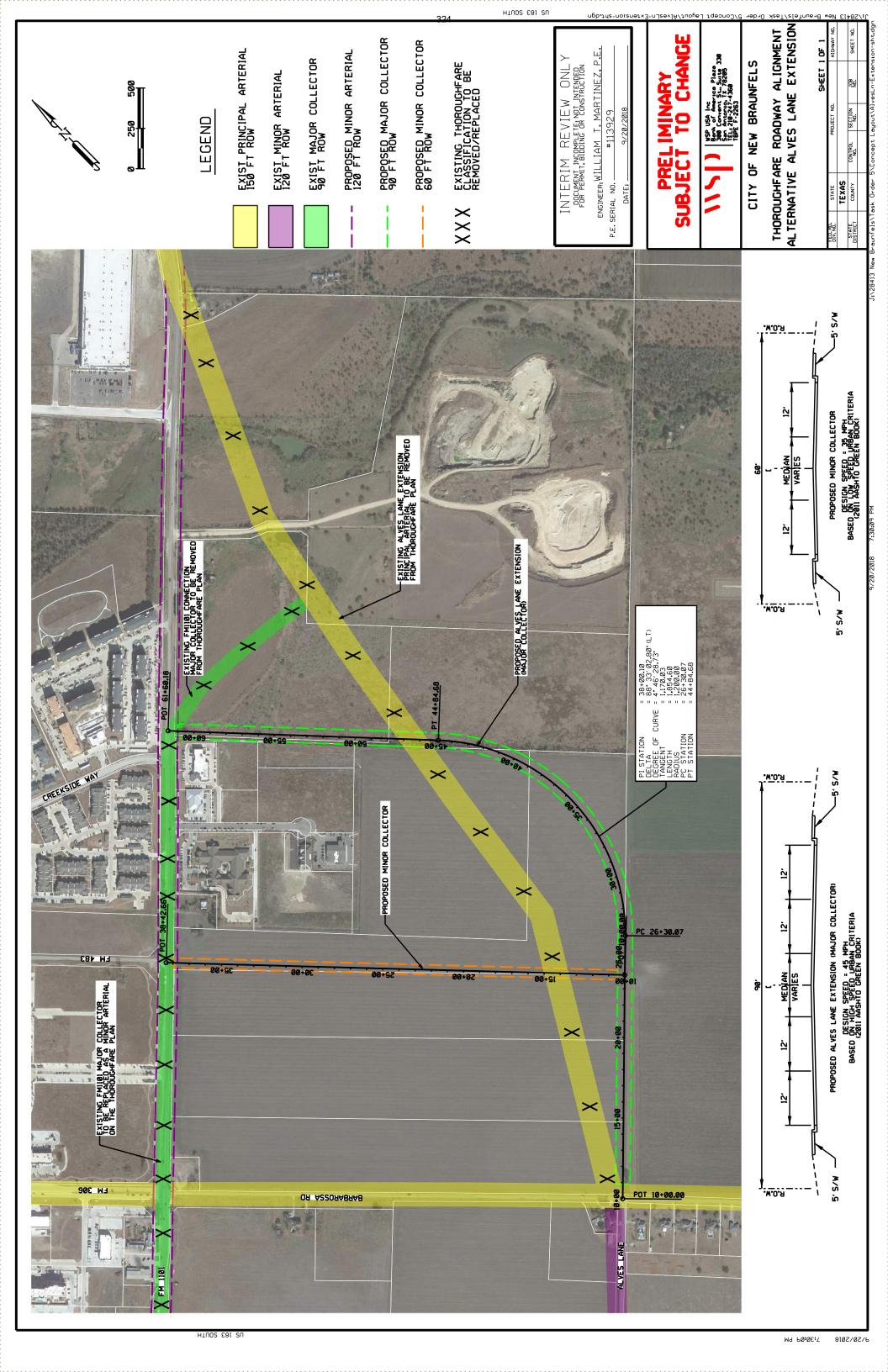
North of Barbarosa Road, Alves Lane would turn 90 degrees to the northwest with curve geometry as specified by AASHTO's *Geometric Design of Highways and Streets*. In order to provide adequate sight distance for the Alves Lane curve, the extension of Alves Lane was assumed to meet the curve specifications for a Minor Arterial classification. The larger radius curve will also serve to provide enhanced sight distance in the event future developments require driveways within the vicinity of the curve.

The Alves Lane extension is proposed to align perpendicularly to FM 1101, offset from the intersection of Creekside Way by about 160 feet to the northeast. While the offsetintersection is not ideal, it is the type of offset that allows the left turn movements from Alves Lane to occur without conflict with each other. If the intersection were offset from Creekside Way to the southwest, the left turn movements from Alves Lane would be conflicting. Either the left-turn movements would be prohibited or Alves Lane would need to be widened to allow for side-by-side left-turn lanes. An offset intersection can be a concern for traffic traveling "through" the intersection or traffic traveling between Creekside Way and the Alves Lane extension. If these volumes of through traffic movements become significant, a future signal may need to be evaluated for this intersection.

ATTACHMENTS

City of New Braunfels 2012 Regional Thoroughfare Plan Thoroughfare Roadway Alignment Alternative for Alves Lane Extension





RESOLUTION NO. 2019-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, ESTABLISHING THE ROADWAY CLASSIFICATION, ALIGNMENT AND RIGHT-OF-WAY OF PORTIONS OF ALVES LANE AND FM 1101 ON CITY OF NEW BRAUNFELS REGIONAL TRANSPORTATION PLAN.

WHEREAS, on March 12, 2012, the City Council of the City of New Braunfels adopted the City of New Braunfels Regional Transportation Plan as the thoroughfare plan; and

WHEREAS, the City of New Braunfels Regional Transportation Plan designates Principal Arterial thoroughfares to require up to 150 feet of right-of-way dedication with a subdivision plat; and

WHEREAS, the City of New Braunfels Regional Transportation Plan shows the Alves Lane extension between Barbarosa Road and FM 1101 as a Principal Arterial; and

WHEREAS, the City of New Braunfels Regional Transportation Plan designates Major Collector thoroughfares to require up to 90 feet of right-of-way dedication with a subdivision plat; and

WHEREAS, the City of New Braunfels Regional Transportation Plan shows the FM 1101 between SH 46 and the Alves Lane extension as a Major Arterial; and

WHEREAS, the City of New Braunfels received a request to amend the Alves Lane extension and FM 1101 on the Regional Transportation Plan with the proposed plat of FM 1101 Subdivision Unit 2 Lot 2; and

WHEREAS, the Planning Commission and City staff recommend amending the roadway classification, alignment and right-of-way requirements for the Alves Lane extension and FM 1101 based on platted parcels, planned improvements to FM 1101, minimize impacts to undeveloped parcels and regulatory floodplain, and provide connectivity to the new fire station and training facility.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

THAT, the Regional Transportation Plan be amended to (1) reclassify FM 1101 between SH 46 and Holcan Drive to a Minor Arterial with 120 feet right-of-way, (2) realign the Alves Lane extension between Barbarosa Road and FM 1101 to a T-intersection generally following existing property lines, and (3) reclassify the Alves Lane extension between Barbarosa Road and FM 1101 to Major Collector with 90 feet of right-of-way.

PASSED, ADOPTED AND APPROVED this 10th day of June, 2019.

	City of New Braunfels, Texas
	BARRON CASTEEL, Mayor
	Britator Cristille, Mayor
Attest:	
PATRICK D. ATEN, City Secretary	



550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. F)

Presenter/Contact Garry Ford, City Engineer (830) 221-4020 - gford@nbtexas.org

SUBJECT:

Discuss and consider approval of the removal of the speed humps on Hunter Road.

BACKGROUND / RATIONALE:

Council District: 4

The Engineering Division received a request in 2018 for the removal of the speed humps on Hunter Road near the intersections with Rapids Road due to noise concerns from vehicles driving over the speed humps. This request was taken to the Transportation and Traffic Advisory Board at their meeting on August 9, 2018, and the board tabled the removal of speed humps so that the intersection of Hunter Road and Rapids Road could be studied for an all-way stop. This study was completed in early 2019 and did not meet warrants for an all-way stop at this time. The all-way stop was brought to the Transportation and Traffic Advisory Board in February 2019 where the board voted (6-1) not to install an all-way stop at this time. City Council voted unanimously to not install the all-way stop at the meeting on March 25, 2019.

The speed humps were requested in 2017 for both Hunter Road and Gruene Road to help alert drivers that they are entering the area of Gruene where the speed limit is reduced from 30 mph to 20 mph and that there may be high volumes of pedestrians. The Gruene Road speed humps were never installed due to a lack of support from adjacent property owners in the proposed locations. The Hunter Road speed humps and signs were installed in April 2018. The required curb extensions have not yet been constructed due to the pending removal request.

Rapids Road and the portion of Hunter Road north of Rapids Road have a posted speed limit of 30 mph. The portion of Hunter Road south of the intersection with Rapids Road has a posted speed limit of 20 mph. Rapids Road is a residential street and Hunter Road is classified and functions as a minor collector. Hunter Road is classified and functions as a minor collector.

The request was evaluated based on petition, operational and geometric requirements established in the City of New Braunfels Speed Hump Policy approved in 1999. These requirements are listed in the attachment to this report.

Traffic count and speed data was collected before the speed humps were installed from Monday, May 1 to Friday, May 5, 2017. After the speed humps were installed traffic count and speed data was collected from Monday, June 4 to Friday, June 8, 2018. The attached table shows the average vehicles per day travelling at different speeds during these times.

The request for speed hump removal on Hunter Road between Rapids Road and New Braunfels Street meets the eligibility requirements of the criteria established in the Speed Hump Policy.

Traffic Calming Options

There are alternative traffic calming measures that may be used on this section of Hunter Road. One option is to install a driver feedback speed limit sign (also known as a radar sign or dynamic speed display) on Hunter Road for traffic travelling into Gruene. These signs are posted with the speed limit sign and provide real time speeds to drivers, alerting them of their speed. Studies have shown that these signs are only effective for short distances, but the installation of a sign may be useful for slowing traffic prior to entering Gruene where there is increased on-street parking and pedestrian activity.

Another option would be to install centerline and edge line pavement markings on Hunter Road. Maintenance was completed on the section of Hunter Road near Rapids Road in August 2017, which covered up the existing centerline pavement markings. Replacing the centerline on Hunter Road from Clearwater Drive to New Braunfels Street and adding edge line between Rapids Road and New Braunfels Street may provide a traffic calming effect. The section of Hunter Road between Rapids Road and New Braunfels Street varies in width from 26 to 31 feet (lane widths varying from 13 to 15.5 feet). Adding centerline and edge line pavement markings to narrow the lanes to 10- foot wide in each direction would reduce the driver's perceived width of the roadway, potentially causing slower travel speeds into Gruene.

Funding

The Speed Hump Policy states that the removal of speed humps will have no City financial participation. However, the curb extensions that are required to be installed with this set of speed humps due to the lack of curbs on Hunter Road has not yet been completed. The cost of the curb extensions is approximately \$1,000. The cost of the city removing the speed humps and associated signs is approximately \$300. The speed humps and signs are relatively new and can be reused elsewhere, if necessary. Because of the cost difference between completing the speed hump installation and removing the speed humps, staff recommends that the city fund the removal of the speed humps on Hunter Road.

Speed Hump Location

Staff followed up with the residential property owner to determine if the speed humps could be relocated to address the specific noise concerns. Speed humps could be relocated 20-40 feet from the current location but would impact a driveway and provide little to no benefit. Other locations or additional speed humps are not an option due to property owner approval.

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

Envision New Braunfels Strategy 7: Connect All: Action 7.16: Develop a program and process for consideration of citizen requests for neighborhood traffic calming.

FISCAL IMPACT:

Removal of the speed humps and associated signs by city staff is approximately \$300. Completion of the installation of the curb extensions required for this set of speed humps is approximately \$1,000.

Purchase and installation of a driver feedback speed limit sign is \$5,000.

Adding centerline pavement markings to Hunter Road between Clearwater Drive and New Braunfels Street and edge line pavement markings between Rapids Road and New Braunfels Street is estimated to cost \$1,400.

Sufficient funding is available in the FY18-19 approved streets and drainage budget.

COMMITTEE RECOMMENDATION:

This request was considered by the Transportation and Traffic Advisory Board at their meeting on April 11, 2019. The Board recommended that the existing speed humps remain in place, the required curbing be constructed to complete the installation and that additional traffic calming devices be installed on a motion that passed unanimously.

STAFF RECOMMENDATION:

Staff recommends approval of the removal of the speed humps on Hunter Road between Rapids Road and New Braunfels Street as it meets the criteria established in the Speed Hump Policy. Staff recommends that if the speed humps are removed, an alternate traffic calming measure be installed on Hunter Road near the intersection with Rapids Road to warn motorists of the pedestrian activity on Hunter Road and in Gruene.

Speed Hump Requirements

Petition

Red	quirement	Satisfied?
1.	A petition from the residents and business owners documenting that at least two-thirds support the removal of speed humps.	Yes
2.	Verification statement from contact person confirming signatures are valid and represent at least two-thirds support.	Yes
3.	A statement from the neighborhood association endorsing speed hump removal.	Yes

Operational and Geometric Characteristics of the Street

Red	quirement	Satisfied?
1.	The street shall provide access to abutting residential and/or commercial properties.	Yes
2.	The street shall not have more than one lane of traffic in each direction.	Yes
3.	The street shall have a regulatory speed limit of 30 mph or less as determined in accordance with State Law.	Yes: 20 mph
4.	The 85 th percentile speed on the street must be at least 35 mph or 5 mph over the regulatory speed limit.	No: 24 mph (06/2018) Yes: 27 mph (05/2017)
5.	The speed humps should not be located on a horizontal curve, on vertical curves where visibility of the hump is restricted, or on approaches to these curves.	Yes
6.	The street should have curb and gutter. Considerations may be given to street without curb and gutter to accommodate drainage and prevent vehicle run-arounds.	No
7.	The street must be approved by the emergency services departments.	Yesª
8.	The street must have a 24-hour traffic volume of at least 800 vehicles.	Yes: 7,498 vpd average (06/2018) Yes: 6,826 vpd average (05/2017)

^a Parking may be restricted at speed hump locations to maintain emergency response.

Speed and Volume Data

	≤15 mph	16-20 mph	21-25 mph	26-30 mph	31-35 mph	36+ mph
May 2017 Average vpd	420	1,248	2,988	1,885	265	21
June 2018 Average vpd	2,447	2,617	1,613	657	143	21
Difference	2,027	1,369	-1,375	-1,228	-122	0
Percent Change	483%	110%	-46%	-65%	-46%	0%



Existing location of speed hump on Hunter Road



Proposed location of driver feedback sign on Hunter Road





550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. G)

Presenter

Stacy Snell, Planning and Community Development Assistant Director clooney @nbtexas.org

SUBJECT:

Discuss and consider a request for a conditional sign permit for Freiheit Village located near the northwest intersection of Creekside Crossing and FM 1101.

BACKGROUND / RATIONALE:

Case No.: CS19-0107

Council District: 5

Applicant/Owner: CWC 306 Master Community, Inc. (Mike Norris)

373 S. Seguin Ave.

New Braunfels, TX 78130

(830) 358-7802 (830) 832-5879 miken@ncgcre.com

Staff Contact: Matt Greene, Planner

(830) 221-4053

mgreene@nbtexas.org

The subject property referred to as Freiheit Village is located near the southwest corner of the intersection of Creekside Crossing and FM 1101. The zoning is a PD: "Creekside Wellness Center" Planned Development District, with a base zoning of "MU-B" High Intensity Mixed Use District. The development consists of 29 mixed use lots with an anticipated build-out of 101 tenants (see Attachments) on 51 acres. There are 6 exterior lots fronting Creekside Crossing and 4 exterior lots fronting FM 1101. The interior lots front either a private street or private access easement.

The subject site is considered a multi-tenant property since it contains two or more businesses in multiple buildings on contiguous lots, and constitutes a single cohesive development.

Pursuant to New Braunfels' Sign Ordinance, sign types and sizes are allowed based on zoning and specific street frontage:

• The MU-B district allows one free standing monument sign or one low-profile pole sign per 300 feet of lot frontage with a minimum of one per lot. Monument signs are limited to 10 feet in height and 48 square feet. Low profile pole signs are limited to 10 feet in height and 20 square feet. Both sign types require a minimum 10-foot setback. The subject site would be allowed a total of 30 free standing signs where 12 would be adjacent to the public streets (Creekside).

Crossing, FM 1101 and Central Plaza).

- Multi-tenant properties are required to share a sign structure which may be any sign type allowed. When four or more tenants are included on a monument sign, the sign may be up to 64 square feet in area.
- Multi-tenant properties are also allowed one 32 square foot monument sign at a maximum height of 5 feet at each driveway to direct traffic to various areas and businesses within the development.

Additional design standards for monument signs specify that the sign face shall not exceed 50 percent of the overall sign structure. And tenants identified on a free standing sign cannot be included on the multi-tenant sign.

To summarize, the subject property is allowed by the currently adopted Sign Ordinance to have:

- 1 multi-tenant sign,
- 30 free standing signs, and
- 4 directional monument signs.

Applicant's Alternative Proposal:

The applicant is proposing to construct 4 multi-tenant monument signs, and to relocate one development identification monument sign (see Attachments).

All of the applicant's proposed multi-tenant monument signs would include internally illuminated sign cabinets with white backgrounds. The applicant has indicated the internal lighting would be "diffused LED, soft lighting." Staff typically recommends that internally illuminated signage have darker, muted or opaque backgrounds with only the logo or wording illuminated to reduce the amount of light pollution as well as glare on motorists or adjacent properties.

The multi-tenant monument sign proposed for Location A would identify up to 5 tenants as well as the name of the development. This sign is proposed to be situated in the landscaped median at the intersection of Creekside Crossing and Central Plaza where the current development identification monument sign is located (current sign is proposed to be relocated to Location E).

The Location A multi-tenant monument sign would be 20 feet, 6 inches in height. The main sign cabinet would be 15 feet, 6 inches in width and the development identification logo at the top would be 18 feet, 6 inches wide, for a total sign area of 383.1 square feet. The Sign Ordinance stipulates that such multi-tenant monument signs cannot have a sign area greater than 64 square feet. Therefore, the proposed sign would exceed the maximum sign area by 319.1 square feet or 498% larger, and would exceed the maximum height by 10 feet, 6 inches, or 205% taller.

Additionally, sign faces of monument signs cannot exceed 50 percent of the overall area of the sign structure. A 64 square foot sign would be allowed 32 square feet of sign face. The proposed 319.1 square foot sign structure would be limited to a maximum sign face of 159.55 square feet. The proposed sign has a sign face of approximately 309.1 square feet, exceeding the maximum sign face area by 235.1 square feet or 318% larger.

The applicant is proposing a second multi-tenant sign for Location B that would identify up to 11 tenants as well as the name of the development. This sign is proposed to be located adjacent to Creekside Crossing at the intersection of Gabriel's Place, a private access easement within the development.

The Location B multi-tenant monument sign would be 12 feet in height. The sign cabinet would be 8 feet in width and the development identification logo at the top would be 10 feet wide, for a total sign area of 120 square feet. The proposed sign would exceed the maximum sign area of 64 square feet by 56 square feet or 187.5% larger, and, would exceed the maximum height of 10 feet by 2 feet, or 120% taller.

The proposed 120 square foot sign structure would be limited to a maximum sign face of 60 square feet. The proposed sign has a sign face of 64 square feet, exceeding the maximum sign face area by 4 square feet or 106% larger.

The third proposed multi-tenant sign, Location C, is identical in size, height and design as the sign for Location B, described above. This sign would be located adjacent to FM 1101 at the intersection of Central Parkway, another private access easement within the development.

The fourth multi-tenant sign proposed, Location D, would identify up to 11 tenants as well as the name of the development. This sign is to be located adjacent to Creekside Crossing at the intersection of Stephen's Place, a private access easement within the development.

The Location D multi-tenant monument sign would be 13 feet, 6 inches in height. The sign cabinet would be 8 feet, 6 inches in width and the development identification logo at the top would be 10 feet, 6 inches wide, for a total sign area of 144.16 square feet. The proposed sign would exceed the maximum sign area of 64 square feet by 80.16 square feet or 125.25% larger, and would exceed the maximum height of 10 feet by 3 feet, 6 inches, or 135% taller.

The proposed 120 square foot sign structure would be limited to a maximum sign face of 60 square feet. The proposed sign has a sign face of 64 square feet, exceeding the maximum sign face area by 4 square feet or 106% larger.

The existing development identification monument sign currently located in Location A, is proposed to be relocated to Location E. This sign is 128 square feet in area, 8 feet tall by 16 feet wide and will be placed atop a 1-foot tall base (total height of 9 feet). Location E monument sign is governed by the monument sign standards. The Sign Ordinance limits this type of sign to 48 square feet and 10 feet in height. The proposed sign would exceed the maximum sign area of 48 square feet by 80 square feet or 400% larger, but is less than the maximum height of 10 feet.

Surrounding Zoning and Land Use:

North - Across Creekside Crossing, M-1Ar71 / Resolute Health Hospital

South - "West Village at Creekside" PD / Single Family Residential

East - C-1B and across FM 1101, MU-B / Bowling Club, Restaurant and Agricultural

West - "Solms Landing" PD / Undeveloped

ADDRESSES A NEED/ISSUE IN A CITY PLAN OR COUNCIL PRIORITY:

City Plan/Council Priority:	Sec. 106-2 Purpose and Objectives. Encourage the
Chapter 106 of the City's	effective use of signs as a means of communication in
Code of Ordinances: Signs	the City; maintain and enhance the community's
	overall aesthetic environment and the City's ability to
	attract sources of economic development and growth;
	improve pedestrian and traffic safety; minimize the
	possible adverse effect of signs on nearby public and
	private property; enable effective outdoor advertising.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

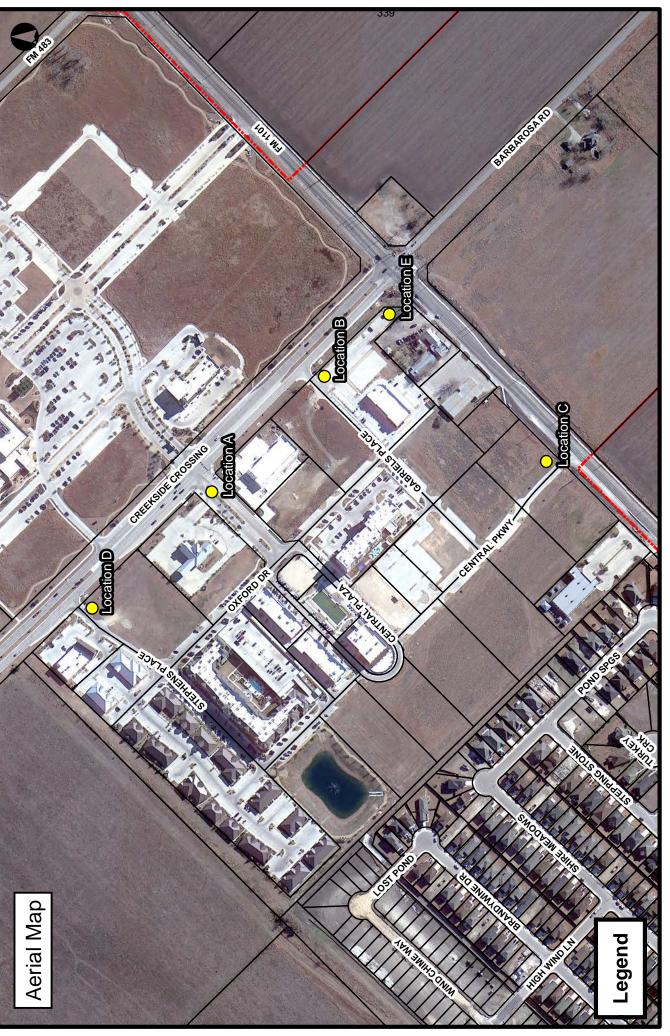
STAFF RECOMMENDATION:

Staff recommends approval of the applicant's proposed sign plan as the overall number and square footage of proposed signage for the entire development is less than what is currently allowed by the Sign Ordinance, and the proposed individual signs are in scale with the overall size of the project and buildings. As noted above, staff typically recommends that internally illuminated signage with white backgrounds be opaque with only the logo or wording illuminated. The applicant has proposed a "diffused LED, soft light" in lieu of the opaque background, however any potential glare impact on drivers or adjacent properties from this type of lighting is not measurable. Staff's recommendation includes the following condition:

1. No additional free standing signage will be allowed without City Council approval as part of an amendment to this Conditional Sign Permit.

Attachments:

- Aerial Map
- Application
- Proposed Site Plan
- Proposed Sign Elevation Plans
- Comparison Table Showing Allowable Signs Vs. Requested Signs
- Excerpt from the Sign Ordinance



CS19-0107 Conditional Sign Permit Freiheit Village

Map created 5/6/2019





APPLICATION FOR CONDITIONAL SIGN PERMIT

RECEIVED Planning and Community Development

Planning and Community Development

New Braunfels, TX 78130

Phone: (830) 221-4050

Case No. Community Development

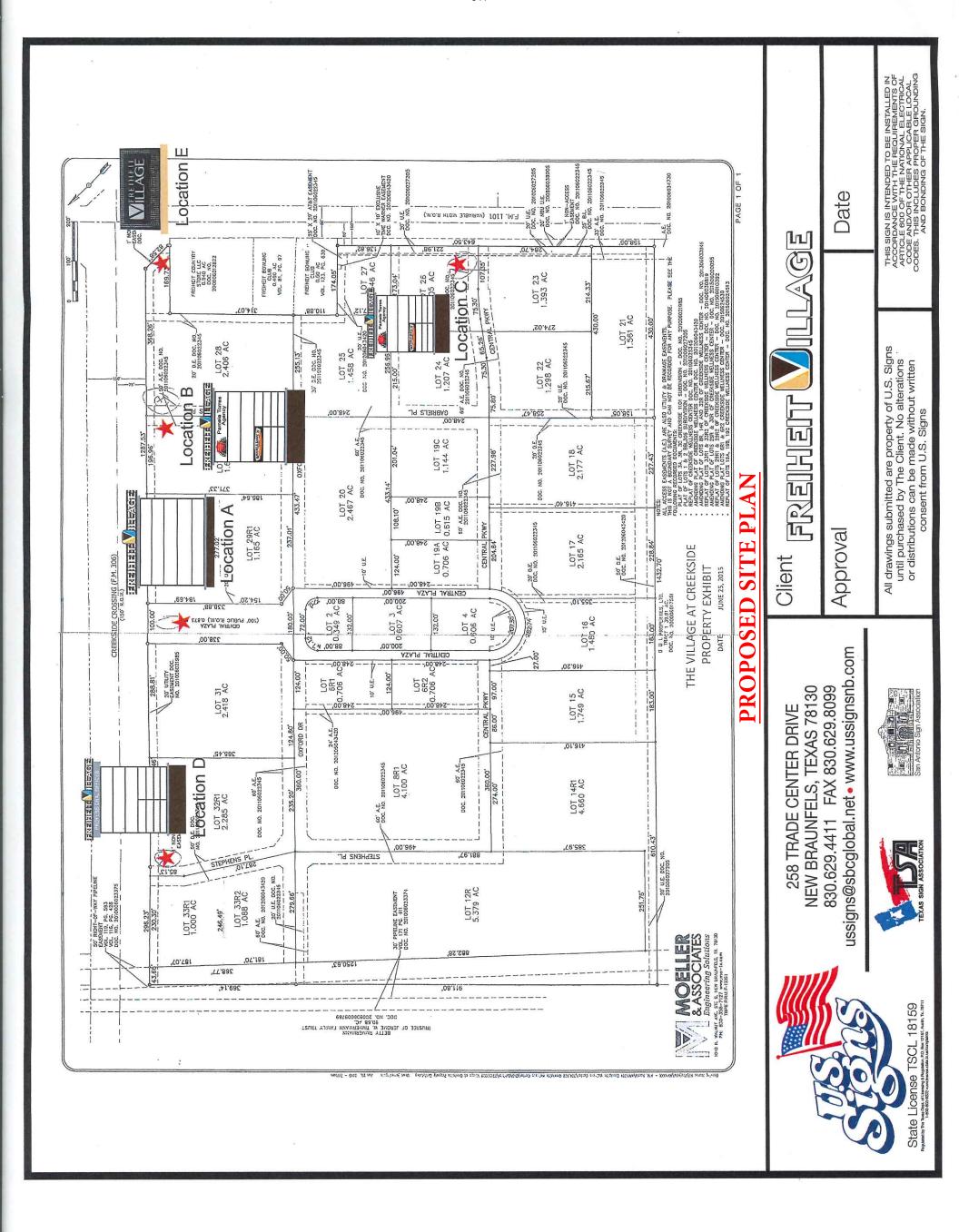
Case No. Community Development

Phone: (830) 221-4050

Case No. Community Development BY: Mo

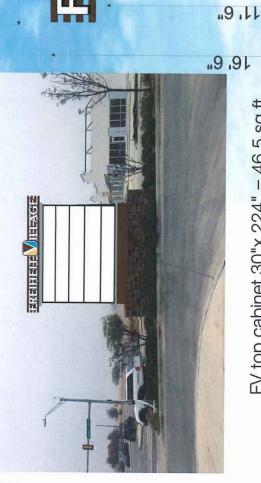
PI			

1.	Applicant - If business owner or coordinator of special event, so state. If agent or other relationship, a letter of authorization must be furnished from owner when application is submitted.
10	Name: Cwc366 MASTER Commonty, Inc - Freihert Village
	Mailing Address: 373 S. Sequin Ave - NEW BRANFUS, 1× 78130
	Email Address: MIKENENCG CRE-GM
	Telephone: 830-358-7802 Mobile: 830-832-5879
2.	Property Address/Location: Freiheit Vallage - Huy 306 4 FMIIOI - Atta
3.	
4.	Number of requested signs: 4 SigNs - A Hackel
5.	Dimension & height of sign(s): Attached - Material - ALUMINIA & ACRYL
	Lighting - Defuses LEDILLAMINATION - Soft Lighting
6.	Business or event to be advertised: MULI'- TEVANT OWNERS - A TTACKED
	Reason for request (please explain in detail and attach additional pages if needed): MASTER Sign PLAN - FReihert VILLAGO
	MASTER VIGO DATE - TREITEIT VIECAGO
¥	
8.	ATTACHMENTS: (The following items must be submitted with the application) A \$772 fee. (\$750 application fee + \$22 technology fee (3%)) A scaled site plan showing the proposed location of the sign(s) on the property. A map showing the distance from sign(s) to business or event if signs are off-premise. A sketch showing the contents, dimensions and construction materials of the sign(s). Photographs of the property where the sign(s) will be located. Agent letter (if applicable).
	The undersigned hereby requests a conditional sign permit for the location(s) described above.
<i>e</i>	JC 36 6 MASTER GAMENTY, INC
	N.M. NOARIS, PARSIDENT APRIL 11, 2019
Sig	nature of Owner(s)/Agent Date
	For Office Use Only
Fee	Received By: Mo Amount: \$112.50 Receipt No.: 1177
Date	Received: 04/11/19 Cash/Check Number: 2285
Cour	ncil Meeting Date: No. 27, 2019
\\chfs	s-1\departments\planning\applications\conditional sign permit.docx



Location A

18' 6"



FV top cabinet 30"x 224" = 46.5 sq ft Tenant cabinet 11'6 x 15'6= 183.3 sq ft Rock base existing and out of sight triangle

15'8"

Total sign sq ft 383.1



PROPOSED SIGN

ELEVATIONS



Client

NEW BRAUNFELS, TEXAS 78130 830.629.4411 FAX 830.629.8099

258 TRADE CENTER DRIVE

Approval

All drawings submitted are property of U.S. Signs until purchased by The Client. No atterations or distributions can be made without written consent from U.S. Signs

Date



State License TSCL 18159



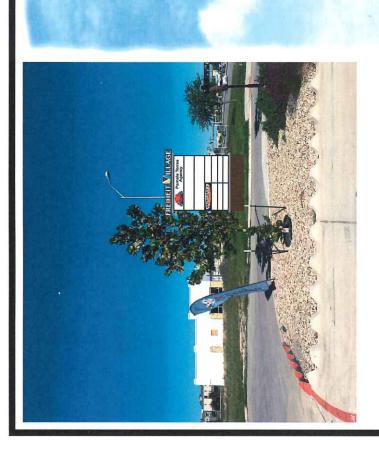


THIS SIGN IS INTENDED ACCORDANCE WITH THE ARTICLE 600 OF THE N CODE AND/OR OTHER CODES, THIS INCLUDES

15.

DOUBLEDAVE'S

18



Pamela Torres

10

Agency

ōo

Location B

FV top cabinet 2' x 10' = 20 sq ft Tenant cabinet 8' x 8' = 64 sq ft Aluminum base pole cover 2.3' x 11.4' = 26.2 sq ft Sign will be located out of sight triangle as per city engineering. Total sign sq ft = 120

NEW BRAUNFELS, TEXAS 78130 830.629.4411 FAX 830.629.8099

258 TRADE CENTER DRIVE



Approval

All drawings submitted are property of U.S. Signs until purchased by The Client. No alterations or distributions can be made without written consent from U.S. Signs

Date



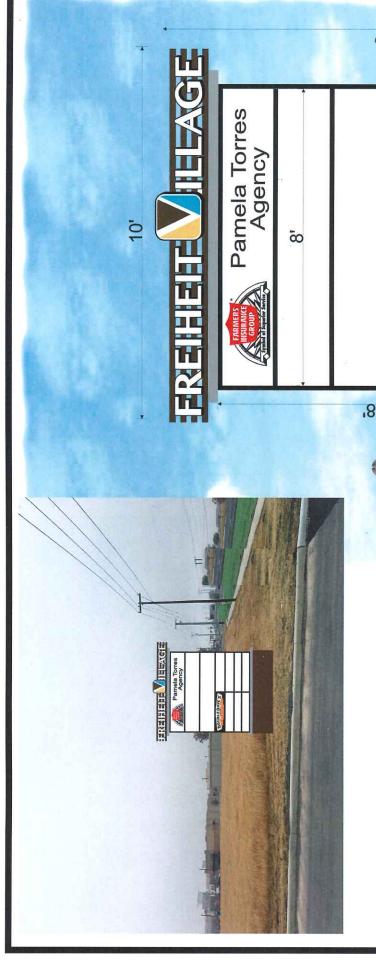




THIS SIGN IS INTERIORD TO BE INSTALLED IN ACCORDANCE WITH THE RECUITEMENTS OF AFTICLE 600 OF THE INTIONAL ELECTRICAL CODES, THEIN INCLUDES PROCEED REQUINDING OF THE SIGN.

15.

DOUBLE DAVE'S



Location C

FV top cabinet $2' \times 10' = 20$ sq ft Tenant cabinet $8' \times 8' = 64$ sq ft Aluminum base pole cover $2.3' \times 11.4' = 26.2$ sq ft Sign will be located out of sight triangle as per city engineering.

Total sign sq ft = 120



Approval

All drawings submitted are property of U.S. Signs until purchased by The Client. No alterations or distributions can be made without written consent from U.S. Signs

Date



State License TSCL 18159



ussigns@sbcglobal.net • www.ussignsnb.com

NEW BRAUNFELS, TEXAS 78130 830.629.4411 FAX 830.629.8099

258 TRADE CENTER DRIVE



THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE RECUITEMENTS OF AFTICLE 600 OF THE NATIONAL ELECTRICAL CODES, THIS INCLUDES PROCERED GROUNDING OF THE SIGN.

13.6"



Location D

FV top cabinet 2.4' x 10.6'= 25.4 sq ft
Tenant cabinet 8.6' x 8.6'= 74 sq ft
Aluminum base pole cover 2.5' x 9.3' = 23.2 sq ft
Sign will be located out of sight triangle
as per city engineering.

Total sign sq ft = 144.16



Approval

All drawings submitted are property of U.S. Signs until purchased by The Client. No atterations or distributions can be made without written consent from U.S. Signs

Date

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE RECURBENTS OF AFTICLE 600 OF THE NATIONAL ELECTRICAL CODES. THIS INCLUDES PROPER GROUNDING





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NEW BRAUNFELS, TEXAS 78130 830.629.4411 FAX 830.629.8099

258 TRADE CENTER DRIVE



COMPARISON CHART OF ALLOWED AND PROPOSED SIGNAGE

	Allo	wed per Sign Ordir the MU-B District	Allowed per Sign Ordinance in the MU-B District	Conditional Sign Permit	ign Permit
SIGN TYPE	Multitenant Monument	Monument Sign	Low Profile Pole	Multitenant Monument	Development Identification Sign
AREA	64 sq. ft.	48 sq. ft.	20 sq. ft.	Location A = 383.1 sq. ft. Location B = 120 sq. ft. Location C = 120 sq. ft. Location D = 144 sq. ft.	Location E = 128 sq. ft.
HEIGHT	10 ft	10 ft	10 ft	Location A = 16.6 ft Location B = 12 ft. Location C = 12 ft. Location D = 13.6 ft.	Location E = 9 ft.
SETBACK	10 ft	10 ft.	10 ft	10 ft	10 ft
NUMBER	1 (per 4 lots within the development and per 300 linear feet of street frontage)	1 per 300 feet of street frontage	1 per 300' of frontage	Location A = 1 Location B = 1 Location C = 1 Location D = 1	Location E = 1

Section 106-8.3

Conditional Sign Permit.

Notwithstanding anything in this ordinance to the contrary, the erection of a sign or signs may be approved pursuant to this Section under a conditional sign permit approved by the City Council. The purpose of this Section is to allow for a specialized review of signs which may not be appropriate generally without certain restrictions, but which, if controlled as to the number, size, height, color, location, lighting, or relation to adjacent properties, would promote the health, safety, and welfare of the community. Conditional permitting of signs shall not be based upon the content of the sign, but is intended to allow for the evaluation of the physical impact of the proposed sign on adjacent properties and to ensure adequate mitigation of potentially unfavorable factors, such as the number, size, height, color, location, lighting, and other potentially unfavorable impacts.

Application.

An application for a conditional sign permit shall be submitted to the Planning Department and shall include all documents necessary to obtain a building permit.

Conditional Sign Permit Fees.

The application fee for a conditional sign permit shall be \$300.00.



550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. H)

Presenter/Contact Robert Camareno, City Manager rcamareno@nbtexas.org

SUBJECT:

Discuss and consider approval of the creation of a Workforce Housing Taskforce.

BACKGROUND / RATIONALE:

The City Council was presented with the New Braunfels 2018 Workforce Housing Study on February 11, 2019. The study clearly showed that the price of housing in New Braunfels has increased to the point where certain segments of the workforce in our community are experiencing housing insecurity. The study identified the need and total demand for affordable for-sale housing and rental units.

City Council may consider the creation of a Workforce Housing Taskforce to review the results of the report and, working with City staff and other housing experts, develop a plan to improve opportunities for workforce housing in New Braunfels.

Staff is requesting the City Council provide policy direction on the creation of a Taskforce. If approved, staff will return with a suggested taskforce makeup and suggested goals.

<u>ADD</u>	RESSES A	A NEED/ISSUE IN A CITY P	LAN OR COUNCIL PRIORITY:

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the City Council provide direction on the creation of a Workforce Housing Taskforce and ask staff to come back at the June 24, 2019 Council meeting with a recommendation.



550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. A)

Deliberate issues regarding economic development negotiations in accordance with Section 551.087, of the Texas Government Code, including but not limited to:

Project Nautilus



550 Landa Street New Braunfels, TX

6/10/2019

Agenda Item No. B)

Deliberate the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code

• Property for city facilities