

ORDINANCE NO.2025-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 0.55 ACRES, BEING OUT OF THE UNICORN HEIGHTS SUBDIVISION, EXTENSION 4, LOT 13, CURRENTLY ADDRESSED AT 950 IH 35 S, FROM C-3 (COMMERICAL DISTRICT) TO C-3 (COMMERCIAL DISTRICT WITH A SPECIAL USE PERMIT FOR AUTO BODY REPAIR); REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of New Braunfels has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of New Braunfels; and

WHEREAS, in keeping with the spirit and objectives of a Special Use Permit, the City Council has given due consideration to all components of said permit; and

WHEREAS, the City recognizes that granting such a permit is possible while promoting the health, safety and general welfare of the public, by providing harmony between existing zoning districts and land uses; and

WHEREAS, it is the intent of the City to ensure for the health, safety and general welfare of the public by providing compatible and orderly development, which may be suitable only in certain locations in a zoning district through the implementation of a Special Use Permit meeting those requirements cited in Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances; and

WHEREAS, the property is located in an area suitable for Auto Body Repair use; and

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

WHEREAS, the requested rezoning is in accordance with the City's Strategic Plan; and

WHEREAS, the City Council desires to grant a Special Use Permit at 950 IH 35 S, to allow Auto Body Repair in the C-3 (Commercial 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 tract of land as a "Special Use Permit" for the uses and conditions herein described:

Being out of the Unicorn Heights Subdivision, Extension 4, Lot 13, being as delineated on Exhibit "A" and depicted on Exhibit "B" attached.

SECTION 2

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

1. A six-foot to eight-foot-tall solid screen buffer wall shall be installed and maintained along the common property line of abutting single-family or two-family properties. The wall shall comply with requirements as outlined in Section 144-5.3-2(h), including:

- The use of brick, stone, cast stone, rock, marble, granite, split-face concrete block, poured-in place concrete, or precast concrete.
- Residential buffer walls shall not be constructed of fiber cement or equivalent materials.
- Exemptions shall comply with Section 144-5.3-2(h)(1).

2. A residential buffer landscape shall be installed and maintained along the common property line of abutting single-family or two-family properties as follows:

- A minimum of one tree per 25 linear feet of property, with each tree measuring at least 1½ inches in diameter.
- Shade trees shall be planted unless under utility lines, where ornamental trees may be used. Trees must be from the Approved Plant List per Section 144-5.3, Appendix A, of the City's Code of Ordinances.
- Each tree must have a minimum permeable surface of 60 square feet under its drip line, with planting areas at least five feet in width.
- Existing trees may be credited toward meeting this requirement, provided their location and spacing align with city standards.

3. All repair activities must occur inside the building per Section 144-5.11 of the City's Code of Ordinances. Additionally, all vehicles awaiting repair must be screened from view in accordance with ordinance requirements.

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 27th day of January 2025.

PASSED AND APPROVED: Second reading this 10th day of February 2025.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

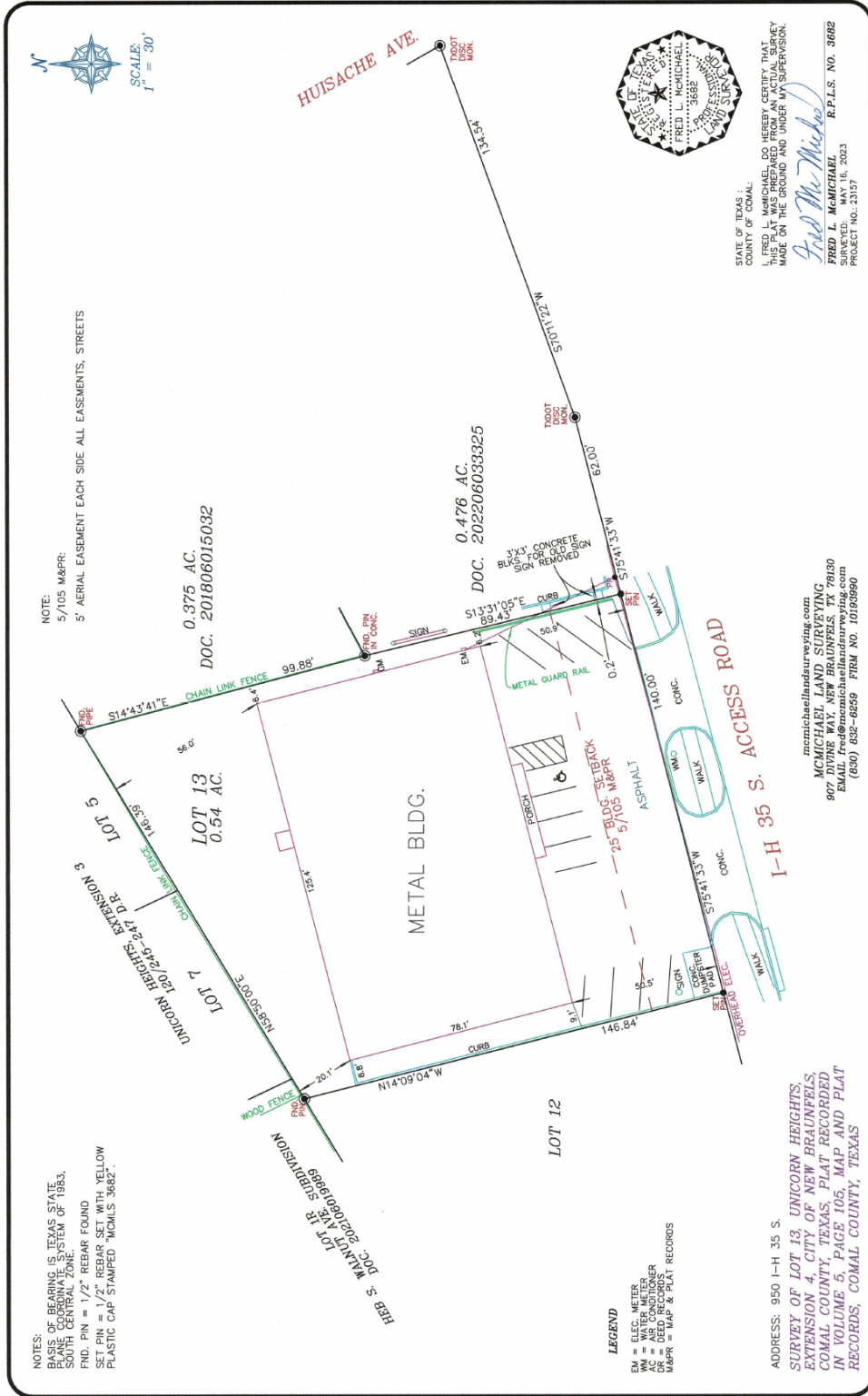


EXHIBIT "B"

