



**CITY OF NEW BRAUNFELS, TEXAS
CITY COUNCIL MEETING**



**CITY HALL - COUNCIL CHAMBERS
550 LANDA STREET**

MONDAY, JANUARY 28, 2019 at 6:00 PM

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

PLEDGE OF ALLEGIANCE & SALUTE TO THE TEXAS FLAG

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

PROCLAMATIONS:

- A) Love My Library Month
- B) We're All In Day

PRESENTATIONS:

- A) Retiree Recognition - Mark Tisdel
- B) Presentation regarding the creation of the New Braunfels Fire Department Citizens Fire Academy
Ethan Lindner, Fire Marshal

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of January 14, 2019, and the special meetings of January 7 and January 15, 2019.
Patrick Aten, City Secretary

2. CITIZENS' COMMUNICATIONS

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.

3. 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 Watershed Advisory Committee for a term ending April 18, 2022.
Patrick Aten, City Secretary
- B) Approval of an annual contract for the purchase of customized green waste collection bags from AJM Packaging Corporation for the Public Works Department.
Michael Mundell, Solid Waste 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 the proposed rezoning to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-1" Local Business District on approximately 0.55 acres, addressed at 118 S. Union Avenue.
Christopher J. Looney, Planning and Community Development Director
- D) Approval of the second and final reading of an ordinance regarding the proposed rezoning of 7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 and 5979 IH-35 South, from "APD" Agricultural/Pre-Development to "M-1A" Light Industrial District.
Christopher J. Looney, Planning and Community Development Director
- E) Approval of the second and final reading of an ordinance amending the Code of Ordinances Chapter 14 Building Regulations, Chapter 54 Fire Prevention and Protection; Emergency Medical Services, and Appendix D Fee Schedule.
TJ Grossi, Building Official
- F) Approval of the second and final reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck

traffic on Oak Run Parkway.

Garry Ford, City Engineer

- G) Approval of the second and final reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Saur Lane and Barbarosa Road.

Garry Ford, City Engineer

- H) Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking along a portion of East Nacogdoches Street.

Garry Ford, City Engineer

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider direction for the City Manager to identify property, negotiate, and enter into a Letter of Intent for approximately five acres to be used for a future Southeast Library Branch.

Robert Camareno, City Manager

- B) Public hearing and approval of the first reading of an ordinance enlarging the boundaries of Reinvestment Zone Number One, City of New Braunfels, Texas; amending the project plan and finance plan for the zone to reflect the increased boundaries and include the Phase II Project; amending an economic development agreement between the City of New Braunfels, Texas and A-L 95 Creekside Town Center, L.P. to include the Phase II Project Improvements and estimated costs related thereto; authorizing the execution of a Phase II Tax Increment Participation interlocal agreement; and other matters in connection therewith.

Jared Werner, CFO, and Bart Fowler, City Bond Counsel

- C) Discuss and consider authorizing the closure of sections of W. San Antonio Street on Sunday, March 3, 2019, for ¡CycloVIVA!

Stacey Dicke, Parks and Recreation Director

- D) 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 "C-3" Commercial District addressed at 1464 Hillview Avenue.

Christopher J. Looney, Planning and Community Development Director

- E) Public hearing and first reading of an ordinance rezoning 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from "R-2" Single and Two-family District to "C-O" Commercial Office District.

Christopher J. Looney, Planning and Community Development Director

- F) 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 “C-1” Local Business District and the “R-3” Multifamily District on Lot 2, Block 4, Broadway Estates Unit 2, addressed at 842 Wall Street.

Christopher J. Looney, Planning and Community Development Director

- G) Discuss and consider possible action regarding the 2019 Bond Election projects.

Robert Camareno, City Manager

5. 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 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).

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

7. ADJOURNMENT

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at the New Braunfels City Hall on January 23, 2019, at 3:00 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 §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, public libraries have historically served as our nation's great equalizers of knowledge by providing free access to all and are a cornerstone for our democratic society; enabling individuals to make informed decisions about their self-governance; and

WHEREAS, in a world undergoing constant change, public libraries provide enduring connections to the past and future of our communities, nations and civilizations; and

WHEREAS, the ability to read and process information in a variety of formats is a basic survival skill in our global information society; and

WHEREAS, libraries offer storytimes and summer reading programs to encourage children to begin a habit of reading that will serve to benefit their personal and professional lives; and

WHEREAS, public libraries support a competitive workforce with basic literacy programs, computers and other resources to help children and adults learn to find, evaluate and use information they need for their jobs, health, education and other needs; and

WHEREAS, public libraries and professional librarians work to meet the changing needs of their users, including building collections, expanding outreach services and increasing programming; and

WHEREAS, the City of New Braunfels Public Library serves 60,000 library card holders seven days a week throughout the year, both in person and virtually, through the main facility, the Westside Community Center branch and the mobile outreach unit – the RIOmobile.

NOW, THEREFORE, be it resolved that I, Barron Casteel, Mayor of the City of New Braunfels, Texas, proclaim the month of February 2019 as

LOVE MY LIBRARY MONTH

and I urge everyone to visit our public library and discover the wealth of resources waiting for them in our unique and wonderful institution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 28th day of January 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

City of New Braunfels



Proclamation

THE STATE OF TEXAS §

COUNTY OF COMAL §

CITY OF NEW BRAUNFELS §

WHEREAS, “We’re All In” was created in 2009 in an effort to support the exhibitors at the Comal County Junior Livestock Show; and

WHEREAS, board members go out in the community and raise funds that are used to incrementally boost the sale price of these projects during the auction; and

WHEREAS, these exhibitors use the money they receive to pay for their expenses and for future college tuition; and

WHEREAS, because of the tremendous support of the community, “We’re All In” is able to raise over one hundred and twenty thousand dollars annually for the exhibitors; and

WHEREAS, “We’re All In” also began the Kids Feeding Kids program, where animals purchased during the auction are processed and donated to local children’s shelters in Comal County; and

WHEREAS, 2019 marks the 10th anniversary of the founding of “We’re All In”, and the board members look forward to celebrating the anniversary with its donors to recognize the support, success and future of the youth of Comal County.

NOW, THEREFORE, be it resolved that I, Barron Casteel, Mayor of the City of New Braunfels, Texas, proclaim the 1st day of February 2019 as

WE’RE ALL IN DAY

in New Braunfels, Texas, and urge all citizens to recognize this important historical date.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of New Braunfels to be affixed this 28th day of January 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. B)

Presenter/Contact

Ethan Lindner, Fire Marshal
(830) 221-4200 - elindner@nbtexas.org

SUBJECT:

Presentation regarding the creation of the New Braunfels Fire Department Citizens Fire Academy

BACKGROUND / RATIONALE:

This program is sponsored by the New Braunfels Fire Department and is intended as an avenue for our customers and associates to learn more about the services we provide and to answer some of the questions people might have about how we operate and why we do the things we do.

As participants go through the 12-week program, we hope they will challenge the instructors on any topics that are unclear or seem unusual. Our intent is to inform citizens and to answer their concerns in a forthright and open manner.

After completing the program, we hope participants will take the knowledge of how their fire department operates out into the community and share it with friends, family, and associates. We hope these citizens will be able to educate others about the New Braunfels Fire Department and to foster a better understanding of our duties, responsibilities, and capabilities to serve the community.

Each Tuesday night, Citizens Fire Academy (CFA) participants learn about a different aspect of the fire service, ranging from emergency medical services, to the hiring and training of firefighters, to special rescue operations. During the 12-week class, CFA participants will also spend time at fire stations and riding with the Fire Department to emergency calls. This is not a certification course. Each year, we will accept 15 cadets into the Academy.

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

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FISCAL IMPACT:

The anticipated cost to conduct this program is anticipated to be minimal and absorbed into the FY 2018-19 Fire Department operating budget. Therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

N/A



Citizens Fire Academy

Ethan Lindner
Battalion Chief

January 28, 2019

Citizens Fire Academy



Program Purpose

To provide an avenue for our customers and associates to:

- Learn more about the services we provide
- Learn more about how we operate
- Answer questions about why we do the things we do

Citizens Fire Academy



Citizens Fire Academy

Participants will learn about different aspects of the fire service:

- Emergency medical services
- Hiring and training of firefighters
- Special rescue operations
- Participants will also spend time at fire stations and riding with the Fire Department to emergency calls.

Citizens Fire Academy



Completion of the Program

Graduates will have a better understanding:

- How the fire department operates in the community
- Educate others about the New Braunfels Fire Department
- Foster a better understanding of our duties, responsibilities, and capabilities to serve the community.

Citizens Fire Academy



Applications

- Open to New Braunfels Residents 18 y/o or older
- Must meet program criteria, including criminal background check
- Accepting 15 Cadets per Academy
- Applications at City Hall or on the City website

Citizens Fire Academy



For more Information or Applications interested persons may contact:

New Braunfels Fire Administration
(830)221-4200



Questions?



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

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 January 14, 2019, and the special meetings of January 7 and January 15, 2019.

**MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
REGULAR MEETING OF MONDAY, JANUARY 14, 2019**

The City Council of the City of New Braunfels, Texas, met in a Regular Session on January 14, 2019, at 6:00 p.m.

City Councilmembers present were:

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

Absent: 1 - Councilmember Shane Hines

The meeting was called to order by Mayor Pro Tem Peters in the New Braunfels City Hall Council Chambers at 6:01 p.m. Councilmember Garcia gave the invocation and Mayor Pro Tem Peters led the Pledge of Allegiance and Salute to the Texas Flag.

PROCLAMATIONS:

A) Mentoring Month

Mayor Pro Tem Peters proclaimed January 2019 as Mentoring Month.

B) Martin Luther King, Jr. Day

Mayor Pro Tem Peters proclaimed January 21, 2019, as Martin Luther King, Jr. Day.

C) 2018 Wassail Meister Champions

Mayor Pro Tem Peters proclaimed the winners of the 2018 Wassail Meister Competition.

PRESENTATIONS:

A) Retiree Recognition - Guadalupe Vasquez

Guadalupe Vasquez was recognized for his service to the City of New Braunfels.

B) Retiree Recognition - Darlene Michalski

Darlene Michalski was recognized for her service to the City of New

Braunfels.

1. MINUTES

- A) Discuss and consider approval of the minutes of the regular City Council meeting of December 10, 2018, and the special meeting of December 13, 2018.

Mayor Pro Tem Peters read the aforementioned caption.

Councilmember Garcia moved to approve the item. Councilmember Hoyt seconded the item which passed unanimously.

2. CITIZENS' COMMUNICATIONS

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 Pro Tem Peters read the aforementioned caption.

Renee Saenz spoke.

3. 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 Mayoral appointment of one individual as the Chair of the Reinvestment Zone No. 1 (TIRZ) Board of Directors and the New Braunfels Development Authority.
- B) Approval of the Mayoral appointment of two individuals to the New Braunfels Housing Authority Board of Commissioners for terms ending January 22, 2021.
- C) Approval of the appointment of three individuals to the Heritage Commission for terms ending March 11, 2022.
- D) Approval of the appointment of one individual to the Community Development Advisory Committee for a term ending December 13,

2021.

- E) Approval of the purchase of a 40 cubic yard compactor in the amount of \$27,675 from Wastequip Inc.
- F) Approval of a resolution in support of the Texas Recreation and Park Society Legislative Platform for the 86th Legislature.
- G) Approval of a resolution authorizing the City Manager to enter into an interlocal agreement with Comal County to provide Household Hazardous Waste Collection events for the City of New Braunfels and Comal County.
- H) Approval of the reassignment of a contract with ReCommunity Holdings, II to Republic Services.
- I) Approval of a resolution endorsing certain legislative changes to Texas law proposed by the Texas Chapter of the Solid Waste Association of North America.
- J) Approval of contracts associated with the Edwards Aquifer Habitat Conservation Plan program. Authorize the City Manager to execute contracts for Old Channel Aquatic Vegetation Restoration, Comal River/ Landa Lake Aquatic Vegetation Restoration, Dissolved Oxygen Management, Gill Parasite Control and Riparian Restoration with BIO-WEST, Inc; Non-Native Animal Species Control with Atlas Environmental; Riparian Restoration with EBR Enterprises; and Riparian Restoration with Environmental Survey Consulting.
- K) Approval of a resolution recommended by the New Braunfels Economic Development Corporation to provide up to \$140,000 to the Center for Entrepreneurship for operation of the Small Business Development Center in FY 2018-19.
- L) Approval of a budget amendment in the FY 2017-18 Debt Service Fund.
- M) Approval of the ratification of the submission of a grant application to the U.S. Department of Justice FY 2018 Bulletproof Vest Partnership program for \$30,780 and authorizing the City Manager to accept funds and to execute all contract documents associated with the grant.

Ordinances

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

- N) Approval of the second and final reading of an ordinance amending the Code of Ordinances, Chapter 144, Zoning, Sections 4 and 5, regarding above-ground fuel storage tanks.
- O) Approval of the second and final reading of an ordinance amending Article V of Chapter 126 of the Code of Ordinances regarding bicycles.
- P) Approval of the first reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Oak Run Parkway.
- Q) Approval of the first reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Saur Lane and Barbarosa Road.
- R) Approval of the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking along a portion of East Nacogdoches Street.

Mayor Pro Tem Peters read the aforementioned captions.

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

4. INDIVIDUAL ITEMS FOR CONSIDERATION

- A) Discuss and consider approval of the appointment of three individuals to the Arts Commission for terms ending January 31, 2022.

Mayor Pro Tem Peters read the aforementioned caption.

Patrick Aten presented the item.

Councilmember Meadows moved to appoint Janet Allen, Carol Snider, and MaryEllen Gaubatz to the Arts Commission. Councilmember Bowers seconded the motion which passed unanimously.

- B) Public hearing and possible action on the creation of the Solms Landing/New Braunfels Co-Op Public Improvement District.

Mayor Pro Tem Peters read the aforementioned caption.

Jared Werner, Patrick Warren, and James Mahan presented the item.

Mayor Casteel arrived to the meeting.

No one spoke during the public hearing.

No action was taken.

- C) Discuss and consider possible action on a resolution creating the Solms Landing/New Braunfels Co-Op Public Improvement District.

Mayor Casteel read the aforementioned caption.

Jared Werner presented the item.

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

Councilmember Bowers moved to take up item 4I and 4J out of order. Councilmember Meadows seconded the motion which passed unanimously.

- I) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 0.96 acres consisting of Lots 8A and 8B, Block 15, Rivercrest Heights 5E and Lots 9 and 10, Block 15, Rivercrest Heights 6, from "R-1" Single-Family Residential District and "R-2A" Single-Family and Two-Family District to "C-O" Commercial Office District, addressed at 1265, 1267, 1269, 1271 and 1273 E. Common Street.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Molly Heynis, Bryan Johnson, Cathy Harwell, Piper Olsen, Grady Frank, and Dan Olveda spoke during the public hearing.

The item failed due to lack of a motion.

- J) Public hearing and first reading of an ordinance regarding the proposed rezoning of approximately 2.53 acres consisting of Lot 1A,

Block 1, Oak Grove Estates Subdivision Unit 2, located on the northeast corner of the intersection of FM 306 and Oak Knot Drive from “R-1” Single-Family District to “C-1B” General Business District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Thor Thornhill, Jason Leach, Dale Dibello, Paula New, Chad Brady, James Schilling, Floyd Ball, Tom Bench, Joyce Halstern, Dorothy Dietert, Steve Hall, and Gary Spitzer spoke during the public hearing.

The item failed due to lack of a motion.

- D) Discuss and consider approval of the first reading of an ordinance amending the Code of Ordinances Chapter 14 Building Regulations, Chapter 54 Fire Prevention and Protection; Emergency Medical Services, and Appendix D Fee Schedule.

Mayor Casteel read the aforementioned caption.

TJ Grossi presented the item.

Billy Craft and Arlon Hansmann spoke on the item.

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

- E) Discuss and consider approval of an amendment to the number of authorized Das Rec childcare positions in the FY 2018-19 Adopted Budget.

Mayor Casteel read the aforementioned caption.

Kristi Aday presented the item.

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

- F) Public hearing and first 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 “C-3” Commercial District addressed at

1464 Hillview Avenue.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Tracy Ford spoke during the public hearing.

Councilmember Bowers moved to approve the item with staff recommendations. Councilmember Garcia seconded the motion which passed 5-1, with Councilmember Hoyt opposed.

- G) Public hearing and first reading of an ordinance regarding the proposed rezoning of 7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 and 5979 IH-35 South, from "APD" Agricultural/Pre-Development to "M-1A" Light Industrial District.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No one spoke during the public hearing.

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

- H) 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 "C-1" Local Business District on approximately 0.55 acres, addressed at 118 S. Union Avenue.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Councilmember Hoyt recused from the item.

Tammy Gonzalez spoke during the public hearing.

Mayor Pro Tem Peters moved to approve the item with staff recommendations and with a maximum of 16 adults with one sleeping

area per room. Councilmember Garcia seconded the motion which passed unanimously, with Councilmember Hoyt recused.

- K) Discuss and consider a waiver from the requirement to construct sidewalks along East Zipp Road for the proposed Zipp Compound Subdivision.

Mayor Casteel read the aforementioned caption.

Councilmember Garcia moved to postpone the item to February 11. Councilmember Bowers seconded the motion which passed unanimously.

- L) Discuss and consider a waiver from the requirement to construct sidewalks along FM 1102 for the proposed Westridge Oaks Subdivision.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

Councilmember Meadows moved to approve the item. Councilmember Bowers seconded the motion which passed 5-1, with Mayor Casteel opposed.

5. 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 the purchase, exchange, lease or value of real estate in accordance with Section 551.072 of the Texas Government Code
- Property for city facilities
- B) Deliberate pending/contemplated litigation, settlement offer(s), and matters concerning privileged and unprivileged client information deemed confidential by Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct in accordance with Section 551.071, of the Texas Government Code, specifically:
- National Flight Services, Inc. Agreement

Mayor Casteel read the aforementioned captions.

City Council recessed into Executive Session from 9:20 p.m. - 10:09 p.m.

No vote or action was taken.

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

The City Council reconvened into Open Session at 10:09 p.m.

Councilmember Hoyt moved to approve the Settlement Agreement, Assignment of Sublease, Assumption of Sublease, and Guaranty among the parties: Nation Flight Service Inc.; team Hunter Ltd.; New Braunfels Economic Development Corporation; and the City of New Braunfels on terms discussed in executive session. Councilmember Meadows seconded the motion which passed unanimously.

7. **ADJOURNMENT**

The meeting adjourned at 10:10 p.m.

Date Approved: January 28, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF MONDAY, JANUARY 7, 2019**

The City Council of the City of New Braunfels, Texas, met in a special session on January 7, 2019, at 6:00 p.m.

City Councilmembers present were:

Present 7 - Mayor Barron Casteel, Councilmember Shane Hines, Councilmember Justin Meadows, Councilmember Harry Bowers, Councilmember Matthew E. Hoyt, Mayor Pro Tem Wayne Peters, and Councilmember Leah García

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Tejas Room at 6:03 p.m. Mayor Pro Tem Peters gave the invocation and Mayor Casteel led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

A) Discuss and consider the proposed bridge rail and light poles for the San Antonio Street Bridge Project over the Comal River as recommended by the San Antonio Street Bridge Steering Committee.

Mayor Casteel read the aforementioned caption.

Greg Malatek presented the item.

No action was taken. The options will go back to the Steering Committee.

B) Discuss and consider possible direction to staff regarding 2019 Bond Election projects.

Mayor Casteel read the aforementioned caption.

Robert Camareno presented the item.

Ron Savage, Amber Lujan, and Penny Farias spoke on the item.

No action was taken.

The City Council did not have an executive session.

The meeting adjourned at 7:32 p.m.

Date Approved: January 28, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary

**SPECIAL MINUTES
OF THE NEW BRAUNFELS CITY COUNCIL
SPECIAL MEETING OF TUESDAY, JANUARY 15, 2019**

The City Council of the City of New Braunfels, Texas, met in a special session with the Planning Commission on January 15, 2019, at 6:00 p.m.

City Councilmembers present were:

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

Absent 1 - Councilmember Shane Hines

Planning Commissioners present were: Lee Edwards, Ron Reaves, Tom Meyer, Stanley Laskowski, Shaun Gibson, Chad Nolte, Jerry Sonier, and Creighton Tubb.

The meeting was called to order by Mayor Casteel in the New Braunfels City Hall Tejas Room at 6:04 p.m. Mayor Casteel gave the invocation and led the Pledge of Allegiance and Salute to the Texas Flag.

1. WORKSHOP

A) Discussion and possible direction to staff regarding the current short-term rental ordinance.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

City Council and Planning Commission gave direction to broaden the definition of short term rentals to require permitting.

No action was taken.

B) Discussion and possible direction to staff regarding industrial zoning protection.

Mayor Casteel read the aforementioned caption.

Chris Looney presented the item.

No action was taken.

- C) Discuss the role, expectations, and priorities of the Planning Commission.

Mayor Casteel read the aforementioned caption.

Chris Looney introduced the item.

Ron Savage spoke.

City Council and Planning Commission gave direction for the formation of an ad-hoc committee comprised of some members of City Council and Planning Commission.

No action was taken.

- D) Discuss and consider possible direction to staff regarding 2019 Bond Election projects.

Mayor Casteel read the aforementioned caption.

Robert Camareno, Jennifer Cain, and Jared Werner presented the item.

Wayne Rudolph spoke.

No action was taken.

The meeting adjourned at 9:22 p.m.

Date Approved: January 28, 2019

Barron Casteel, Mayor

Attest:

Patrick Aten, City Secretary



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. A)

Presenter/Contact

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

SUBJECT:

Approval of the appointment of one individual to the Watershed Advisory Committee for a term ending April 18, 2022.

BACKGROUND / RATIONALE:

The Watershed Advisory Committee has ten members serving three-year staggered terms. Notice of vacancy was advertised from December 13, 2018 to January 15, 2019.

One qualified application was submitted for the one position-specific vacancy:

- Clark Hopkins (Home Owner Association representative) (incumbent)

Applicant's current & prior service on Boards and Commissions

Clark Hopkins has served in the HOA position of the Watershed Advisory Committee since October 2016.

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

N/A

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the appointment of one individual to the Watershed Advisory Committee for a term ending April 18, 2022.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. B)

Presenter/Contact

Michael Mundell, Solid Waste Manager
(830) 221-4044 - mmundell@nbtexas.org

SUBJECT:

Approval of an annual contract for the purchase of customized green waste collection bags from AJM Packaging Corporation for the Public Works Department.

BACKGROUND / RATIONALE:

On December 5, 2018, the City of New Braunfels issued a Request for Proposal for green waste collection bags which are biodegradable heavy-duty paper bags utilized to collect yard waste such as grass clippings and leaves. The green waste collection bags are customized by the vendor with City-provided art work, including informational printing on both sides of the bags. The City received four (4) responses on December 20, 2018, which were evaluated based upon price and qualifications. AJM Packaging Corporation submitted a proposal for \$.0366 per bag which is an estimated annual expenditure of \$105,408. The bags are printed directly by the vendor and no subcontractor is required for printing or distribution to the City.

Upon review of the proposal, samples, and qualifications, the Public Works staff recommends that the contract be awarded to AJM Packaging Corporation. The contract term is three years with two additional one-year renewal options for a combined total of five years.

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

| | | |
|-----|--------------------------------|---|
| Yes | Strategic Priorities 9: | Maintain fiscal stability of City operations. |
|-----|--------------------------------|---|

FISCAL IMPACT:

Funding for this purchase is included in the FY 2018-19 Solid Waste Fund Operating Budget, therefore, sufficient funds are available.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of an annual contract for the purchase of customized green waste collection bags from AJM Packaging Corporation for the Public Works Department.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. C)

Presenter

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

SUBJECT:

Approval of the second and final 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 "C-1" Local Business District on approximately 0.55 acres, addressed at 118 S. Union Avenue.

BACKGROUND / RATIONALE:

Case No.: PZ-18-044

Council District: 5

Owner: Herring Family Interests LTD (Lawrence Herring)
715 Reiley Road
Seguin, TX 78155

Applicant: Serendipity Vacation Rentals (Tammy Gonzalez & Allyson Hanz)
6783 S. Hwy 281
Blanco, TX 78606

Staff Contact: Matthew Simmont
(830) 221-4058
msimmont@nbtexas.org

City Council held a public hearing on January 14, 2019 and approved the first reading of this requested rezoning, with recommended conditions, plus a condition that the maximum occupancy be 16 adults based on one room equaling one sleeping area.

The subject property is located on the southwest corner of the intersection of W. Common Street and S. Union Avenue. The property is approximately 24,000 square feet in area and is occupied by a 2,042 square foot residential structure built in 1909. The property is zoned "C-1" Local Business District and has been used for commercial purposes over the years.

C-1 allows rental or occupancy for less than one month, however since the structure is a single-family dwelling, use of it as a short-term rental requires approval of a Special Use Permit (SUP). If the SUP is approved, an administrative Short Term Rental Permit, annual fire inspections, and remittance of hotel occupancy tax is also required.

The submitted floor plan indicates the existing structure is a four-bedroom, three-bath dwelling, with a

sitting room and parlor. The applicant's original request was to use all the bedrooms, plus the sitting room and parlor for sleeping areas. The applicant was proposing that one bedroom count as two sleeping areas, and another count as six. If approved, their original proposal would have authorized a tenant occupancy of 28 adults. At the Planning Commission public hearing, the applicant indicated their concurrence to limit occupancy to 24 individuals per the Commission's recommendation.

The applicant is proposing to utilize the existing paved parking lot behind the dwelling to meet the parking requirements as noted below. The applicant has noted that occupants of the short term rental will not be allowed to park outside of the spaces that are designated for short-term rental use.

There are six other short-term rental properties in the vicinity.

Standards for short term rentals are attached, and include:

- an administrative Short Term Rental Permit and annual inspections are required, in addition to the SUP;
- a maximum of two (2) adults per sleeping area plus an additional four (4) adults per residence **(twelve (12) proposed sleeping areas plus four (4) additional adults allows for a maximum total of 28 adults)**;
- display of a short term rental decal;
- a minimum of one (1) off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (1) **(minimum of twelve (12) spaces and a maximum of thirteen (13) 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.

* A reduction in sleeping areas pursuant to conditions placed on this SUP will result in a corresponding reduction in the required number of parking spaces.

General Information:

Lot Size: Approximately 0.55 acres

House Size: 2,042 square feet

Surrounding Zoning and Land Use:

North - Across W. Common St., C-1/ Day Care Center

South - C-1 / Dental Office

East - Across S. Union Ave., C-1/ Retail and Restaurants

West - C-1 / Tube Rental and Residential Duplex

Request Due to Notice of Violation: No

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

Improvement(s):

Single-family residence

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 zoned C-1 in an area of mixed commercial and residential uses. The property is less than a mile from the Comal County Fairgrounds, Christus Santa Rosa Hospital, many City parks (Prince Solms, Landa, River Acres and Cypress Bend), the library and Schlitterbahn. It is situated on the corner of two thoroughfares heavily traveled by tourists.);*
- 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 *(There should be no negative effects on other areas designated for similar development. Staff’s recommendation includes maintaining the residential appearance of the structure. There are several short-term rentals sprinkled throughout this neighborhood that contribute to competition, variety and mix of uses.);*
- 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 as required in Section 5.17 of 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 subject property lies within the New Braunfels Sub Area, is at the corner of two Transitional Mixed-Use Corridors, and is in close proximity to existing Outdoor Recreation, Tourist/Entertainment and Medical Centers.)*

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

| | |
|--|--|
| <p>City Plan/Council Priority: Envision New Braunfels</p> | <p>Action 1.14 <i>Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. A short term rental on the subject property will allow an additional flexible lodging option near Schlitterbahn, City parks and Christus Santa Rosa Hospital. Action 3.3 Balance commercial centers with stable neighborhoods.</i> The subject property is on the corner of two thoroughfares that carry visitors to local destinations. Authorized short term rentals, with adherence to the adopted rules and standards, can integrate a lodging activity into an existing mixed use fabric particularly on a corner lot surrounded predominantly by low-intensity commercial uses.</p> |
|--|--|

FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion to the City.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 4, 2018 and recommended approval with staff's recommended conditions and a maximum occupancy of 24 total tenants (5-2-0), with Vice Chair Reeves and Commissioner Laskowski in opposition. The applicant indicated their agreement with the maximum occupant limitation.

STAFF RECOMMENDATION:

The proposed use of the property would complement the mixture of uses in the area while maintaining a residential appearance. It would provide an additional lodging option near a Tourist Center and on the corner of two Transitional Mixed-Use Corridors providing ease of access to tenants. Staff recommends approval with the following conditions, including City Council's added condition:

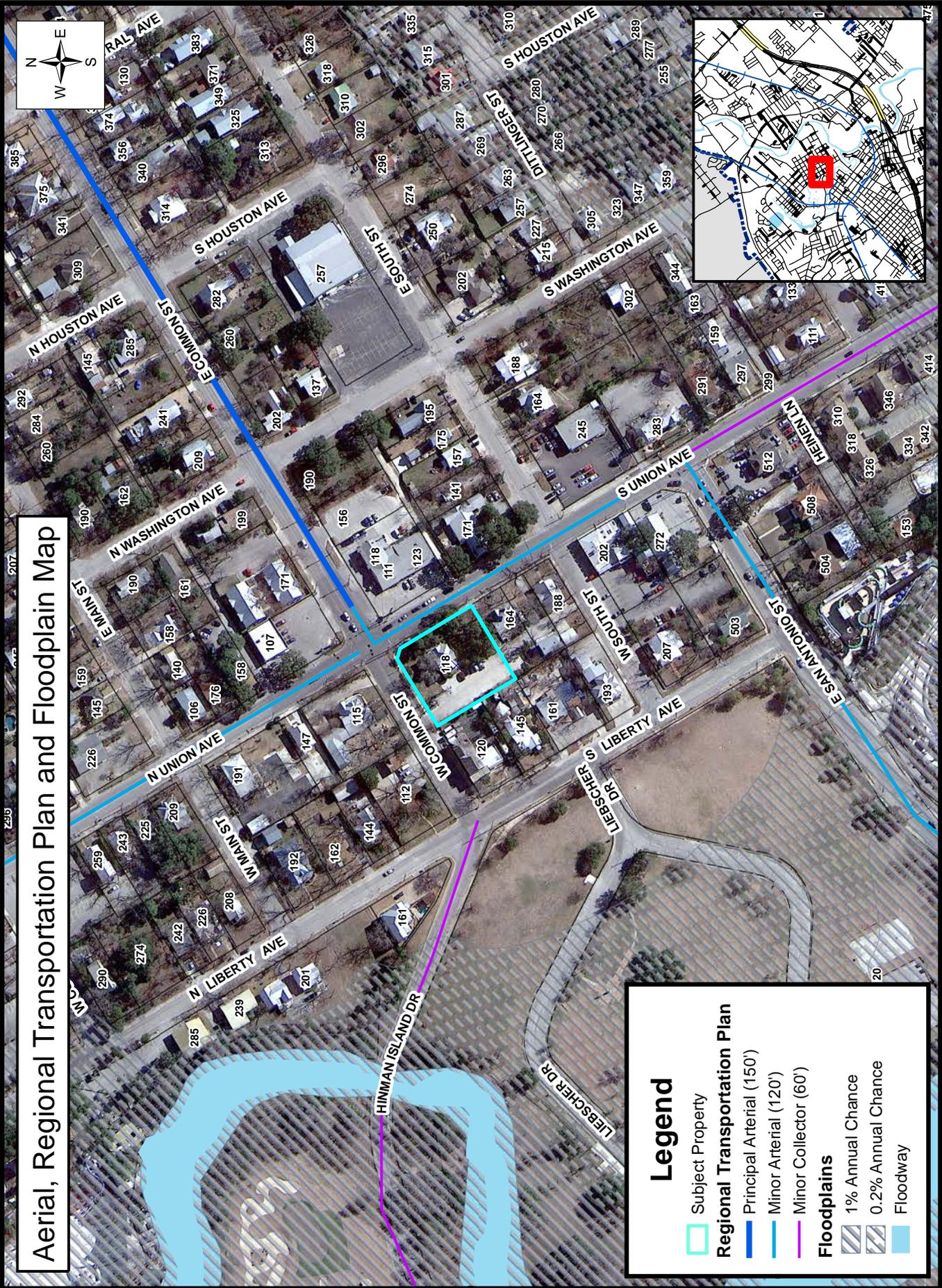
1. Include in the required information provided to tenants that occupants park only in the designated short-term rental parking spaces on the property. The spaces must be clearly delineated within the parking lot.
2. The residential character of the property must be maintained.
3. The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.
4. Maximum occupancy be limited to 16 adults.

Notification:

Public hearing notices were sent to 15 owners of property within 200 feet of the request. The Planning Division has received 4 responses (# 1, 8, 11 & 12) in favor and none opposed.

Attachments:

1. Aerial, Regional Transportation Plan and Floodplain Map
2. Application
3. Site Plan and Floor Plan
4. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
5. Existing Short-term Rental Vicinity Map
6. Notification List and Map
7. Photograph
8. Zoning Ordinance Sections:
 - Sec. 3.3-7 "C-1" Local Business District
 - Sec. 3.6 Special Use Permits
 - Sec. 5.17 Short Term Rentals
9. Planning Commission Meeting Draft Minutes
10. Ordinance



Aerial, Regional Transportation Plan and Floodplain Map

Legend

- Subject Property
- Regional Transportation Plan**
 - Principal Arterial (150')
 - Minor Arterial (120')
 - Minor Collector (60')
- Floodplains**
 - 1% Annual Chance
 - 0.2% Annual Chance
 - Floodway

PZ-18-044
118 S. Union St.
SUP to Short Term Rentals in C-1





City of New Braunfels
Planning & Community Development Department
Planning Division
550 Landa St. New Braunfels, Tx 78130
(830) 221-4050 www.nbtexas.org

CC/Cash/Check No.: 172 Case No.: PZ-18-044
Amount Recd. \$ 1,648
Receipt No.: 218813
RECEIVED
OCT 24 2018
BY: MO
Submittal date - office use only

Special Use Permit Application to Allow Short Term Rental

Any application that is missing information will be considered incomplete and will not be processed.

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name: Serendipity Vacation Rentals
Mailing Address: 6783 S. HWY 281 Blanco TX 78606
Telephone: N/A Fax: N/A Mobile: 830-556-1631
Email: dipity.vacations@gmail.com 830-386-6556

2. Property Address/Location: 118 S. Union St. N.B. TX 78130

3. Legal Description:
Name of Subdivision: Southwest Addition Comal County
Lot(s): 10, 11, 12 Block(s): 5056 Acreage: Almost 1

4. Existing Use of Property: Business -

5. Current Zoning: C-1

*Please note Short Term Rentals are prohibited in the following residential districts, & a Special Use Permit could not be requested:

- R-1 • ZH • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B
R-2 • ZH-A • B-1 • R-1A-12 • R-1A-6.6 • B-1A • TH-A

6. Proposed Special Use Permit*: Type 1 OR Type 2 X

*see page 4 for information regarding Type 1 and Type 2 Special Use Permits

7. Explain how the proposed Short Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary): This property is located close to all tourist attractions. The guest can walk to restaurants, Schlitterbahn, Comal river and downtown. The local businesses will benefit from our guest. The city will also benefit from large amounts of funding going to hotel taxes.

SUBMITTAL CHECKLIST:

| | | | | | | | | | | | | | | | | |
|--|---|---|--|--|---|---|--|--|---|--|--------------------------------------|--|---|--|--|--|
| <p>STAFF:</p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>APPLICANT:</p> <p><input type="checkbox"/></p> | <p>A survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries (if property is not platted). ✓</p> <p>Letter of Authorization for appointed agent (if applicable). ✓</p> <p>Map of property in relation to City limits/major roadways or surrounding area. ✓</p> <p>Copy of deed showing current ownership. ✓</p> <p>Floor plan with the following information:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Layout of the building</td> <td><input checked="" type="checkbox"/> Sleeping areas</td> </tr> <tr> <td><input checked="" type="checkbox"/> Dimensions of each room</td> <td><input checked="" type="checkbox"/> Doors and windows</td> </tr> <tr> <td><input checked="" type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.)</td> <td></td> </tr> </table> <p>Development/site plan with the following information:</p> <p>(*Please note: Additional information may be requested.)</p> <table border="0"> <tr> <td><input type="checkbox"/> Drawn to scale</td> <td><input type="checkbox"/> Location of all buildings</td> </tr> <tr> <td><input type="checkbox"/> North arrow</td> <td><input type="checkbox"/> Number of parking spaces (parking calculation table required)</td> </tr> <tr> <td><input type="checkbox"/> Property lines</td> <td><input type="checkbox"/> Dimensions of parking space and maneuvering space</td> </tr> <tr> <td><input type="checkbox"/> Adjacent street names</td> <td><input type="checkbox"/> Driveways (means of ingress/egress)</td> </tr> </table> <p>Application Fee: \$ _____</p> <p style="margin-left: 100px;">\$1,500 + (<u>1</u> acres x \$100) = \$ <u>1600⁰⁰</u> (max. \$4,000)</p> <p>Technology Fee: \$ _____</p> <p style="margin-left: 100px;">3% of application fee → \$ <u>1600⁰⁰</u> (application fee) x .03 = \$ <u>48⁰⁰</u></p> <p>Public Hearing Newspaper Notice: \$236 (\$115 each for Planning Commission and City Council + 3% technology fee)</p> <p>Public Hearing Mail Notifications and Signage.</p> <p>(*Please note: The total fee will be calculated by Staff after application submittal based on the quantity of mailed notices and signs and must be paid when sign(s) are picked up by the applicant when sign(s) are picked up by the applicant.</p> | <input checked="" type="checkbox"/> Layout of the building | <input checked="" type="checkbox"/> Sleeping areas | <input checked="" type="checkbox"/> Dimensions of each room | <input checked="" type="checkbox"/> Doors and windows | <input checked="" type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.) | | <input type="checkbox"/> Drawn to scale | <input type="checkbox"/> Location of all buildings | <input type="checkbox"/> North arrow | <input type="checkbox"/> Number of parking spaces (parking calculation table required) | <input type="checkbox"/> Property lines | <input type="checkbox"/> Dimensions of parking space and maneuvering space | <input type="checkbox"/> Adjacent street names | <input type="checkbox"/> Driveways (means of ingress/egress) |
| <input checked="" type="checkbox"/> Layout of the building | <input checked="" type="checkbox"/> Sleeping areas | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Dimensions of each room | <input checked="" type="checkbox"/> Doors and windows | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.) | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Drawn to scale | <input type="checkbox"/> Location of all buildings | | | | | | | | | | | | | | | |
| <input type="checkbox"/> North arrow | <input type="checkbox"/> Number of parking spaces (parking calculation table required) | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Property lines | <input type="checkbox"/> Dimensions of parking space and maneuvering space | | | | | | | | | | | | | | | |
| <input type="checkbox"/> Adjacent street names | <input type="checkbox"/> Driveways (means of ingress/egress) | | | | | | | | | | | | | | | |

2 floors + outside

1884⁰⁰

Please note: The signature indicates that the owner or an authorized agent has reviewed the requirements of this application and attached checklist, and all items on this checklist have been addressed and complied with. The owner/authorized agent understands that an incomplete application will **not** be accepted, and this application will **not** be accepted after the 4 p.m. deadline on an application deadline date, as outlined on the calendar attached to this application. The signature authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted.

The undersigned hereby requests rezoning of the above described property as indicated.

Tammy Gonzalez 830-386-6556 dipity.vacations@gmail.com
 Allyson Hanz 830-556-1631

Owner's Name (Printed) Phone Number Email

6783 S. HWY 281 Blanco TX 78606

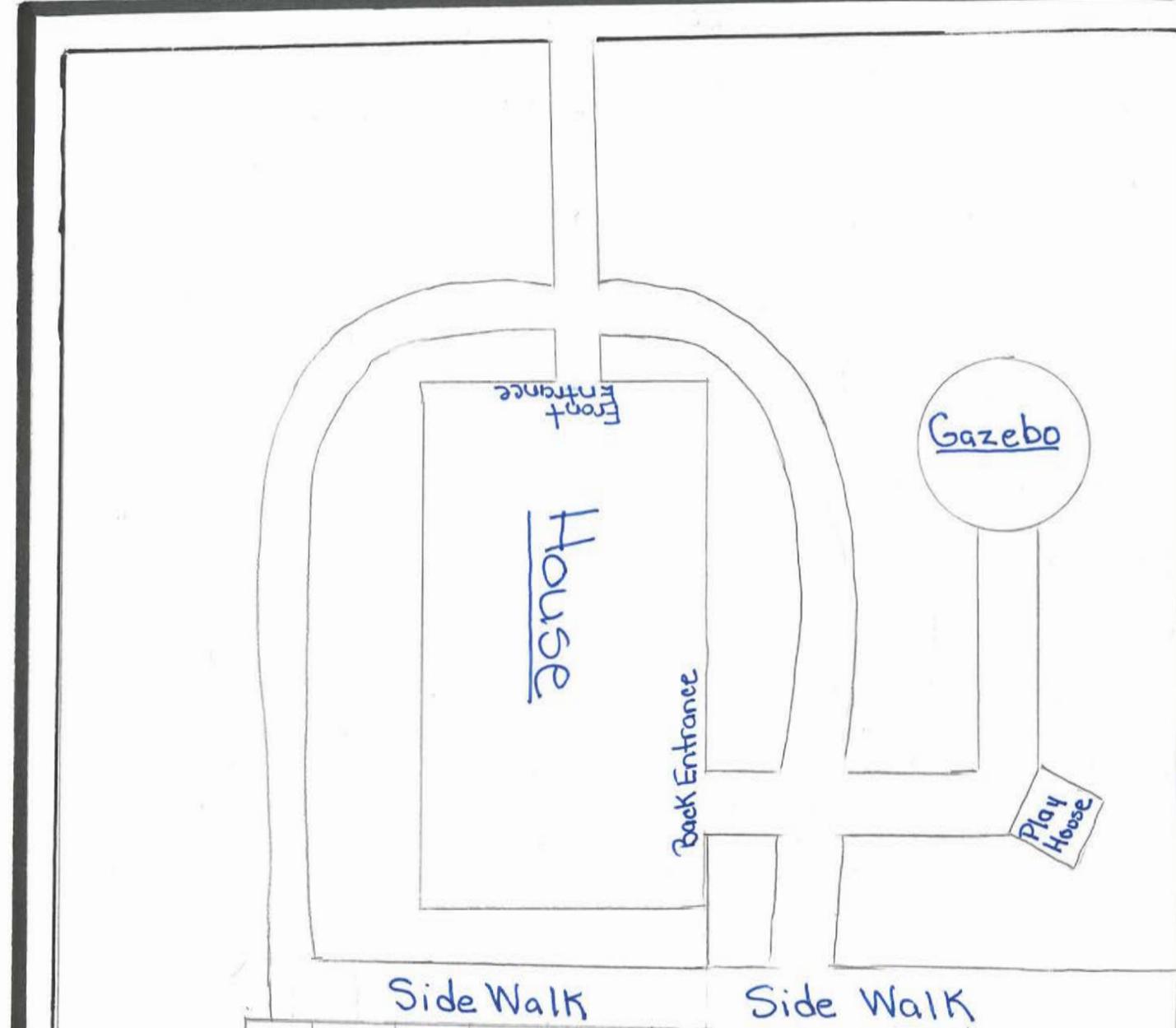
Owner's Mailing Address

[Signature] Date 10/24/18

Signature of Owner

Union Street

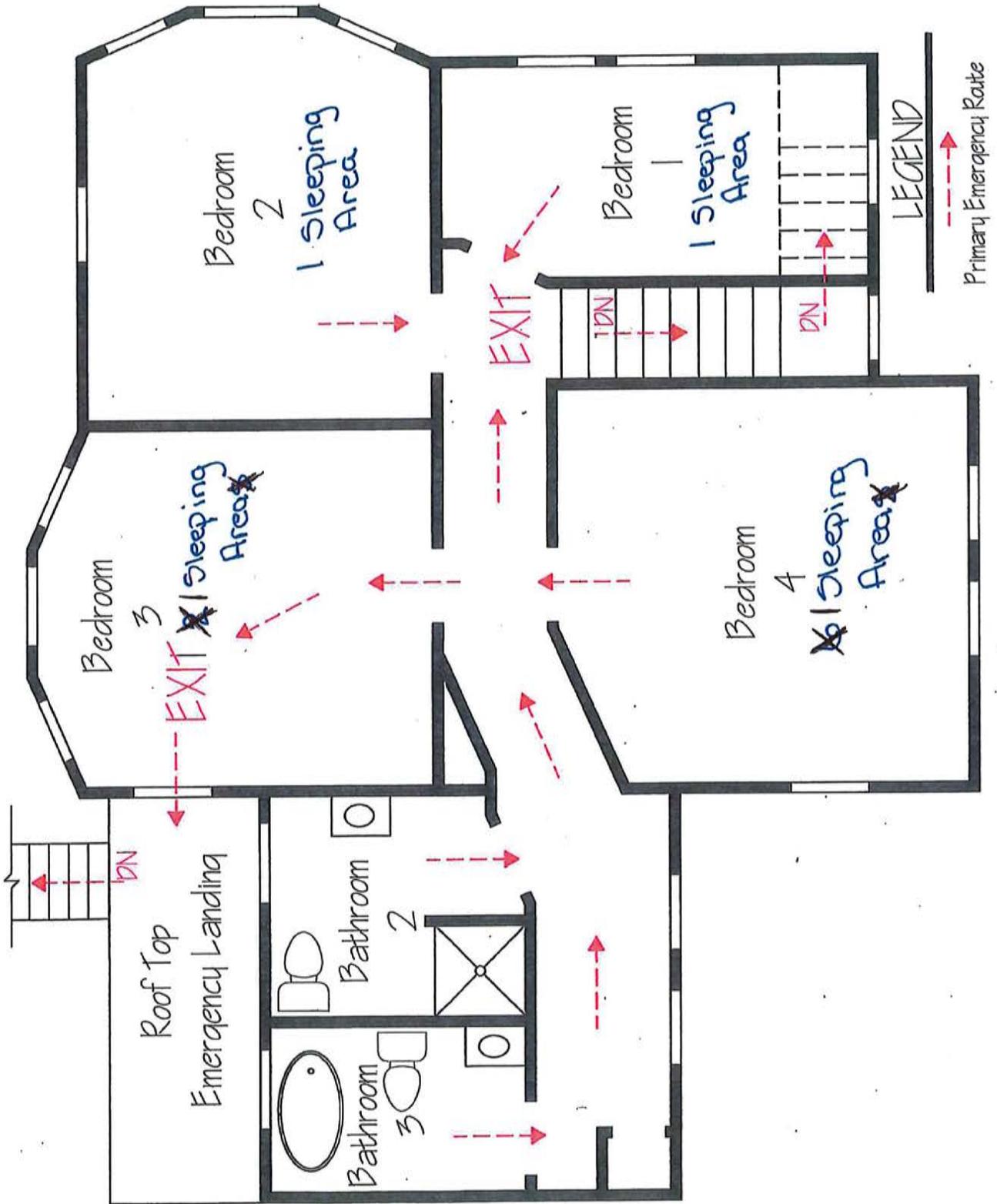
Common

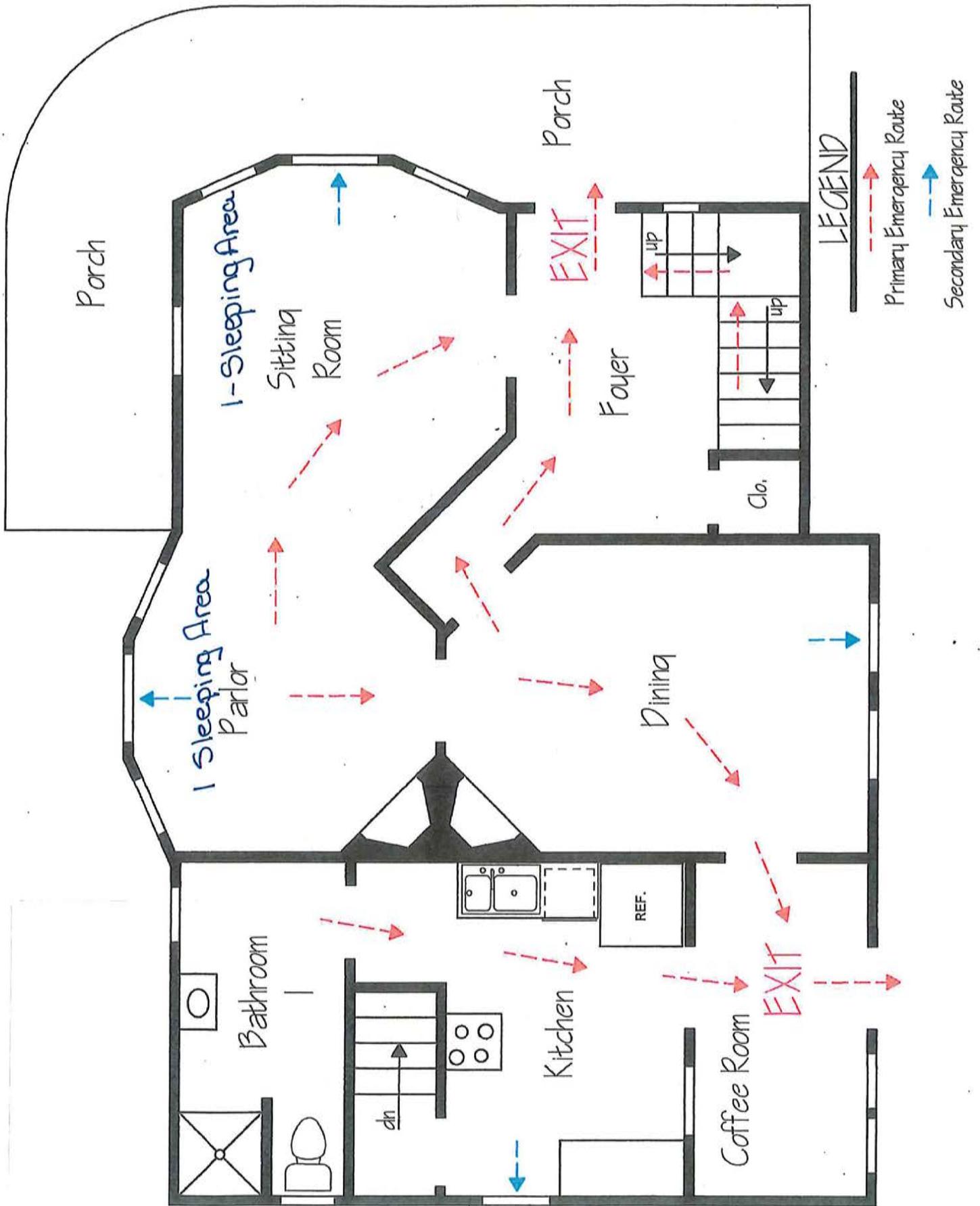


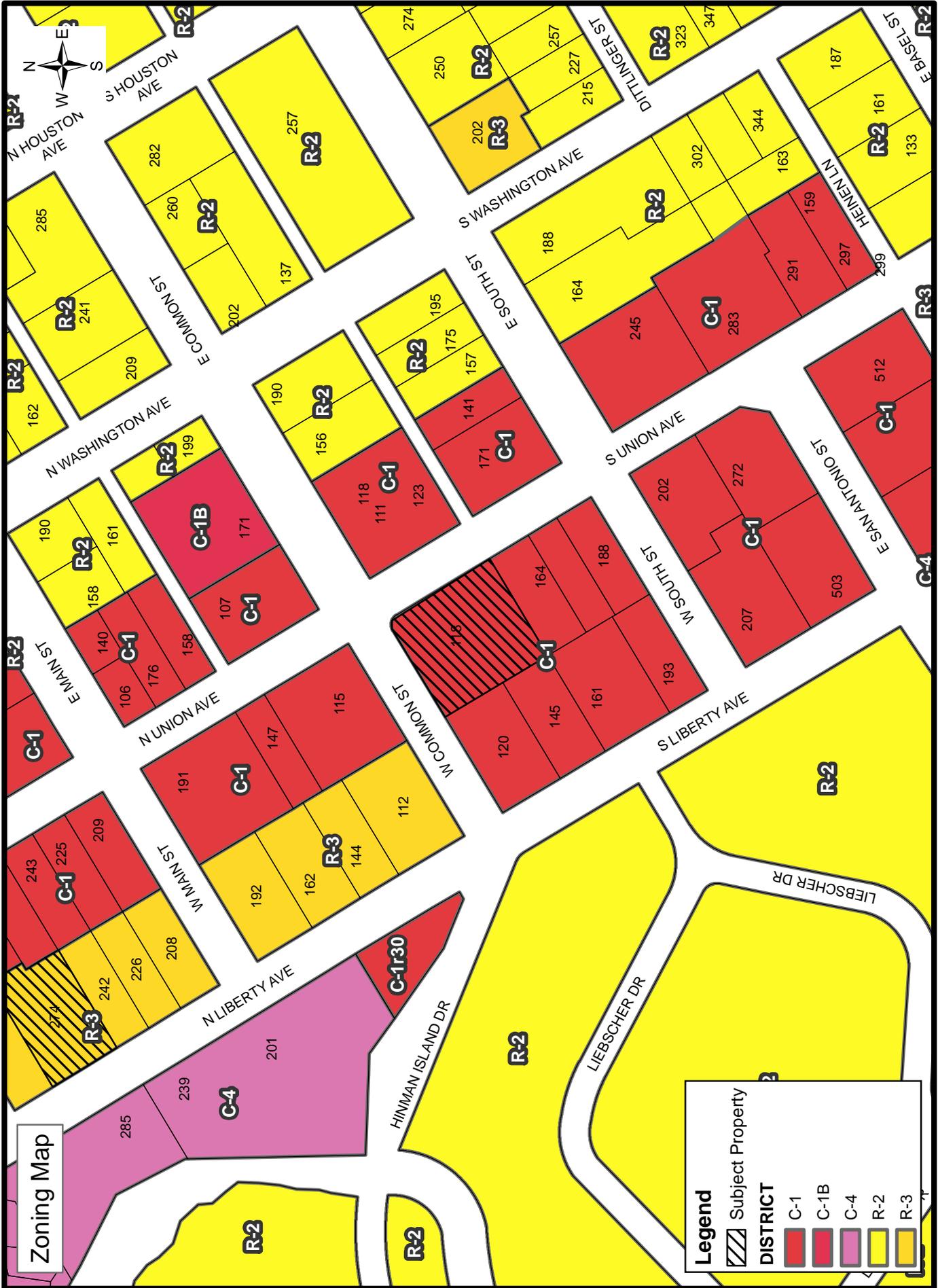
(15ft line)
Drive Way
Entrance

| | | | | | |
|------|------|------|------|------|------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 10ft | 10ft | 10ft | 10ft | 10ft | 10ft |

Parking







Zoning Map

Legend

Subject Property

DISTRICT

- C-1
- C-1B
- C-4
- R-2
- R-3

PZ-18-044
118 S. Union Ave
SUP to STR in C-1



EXISTING CENTERS

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 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 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

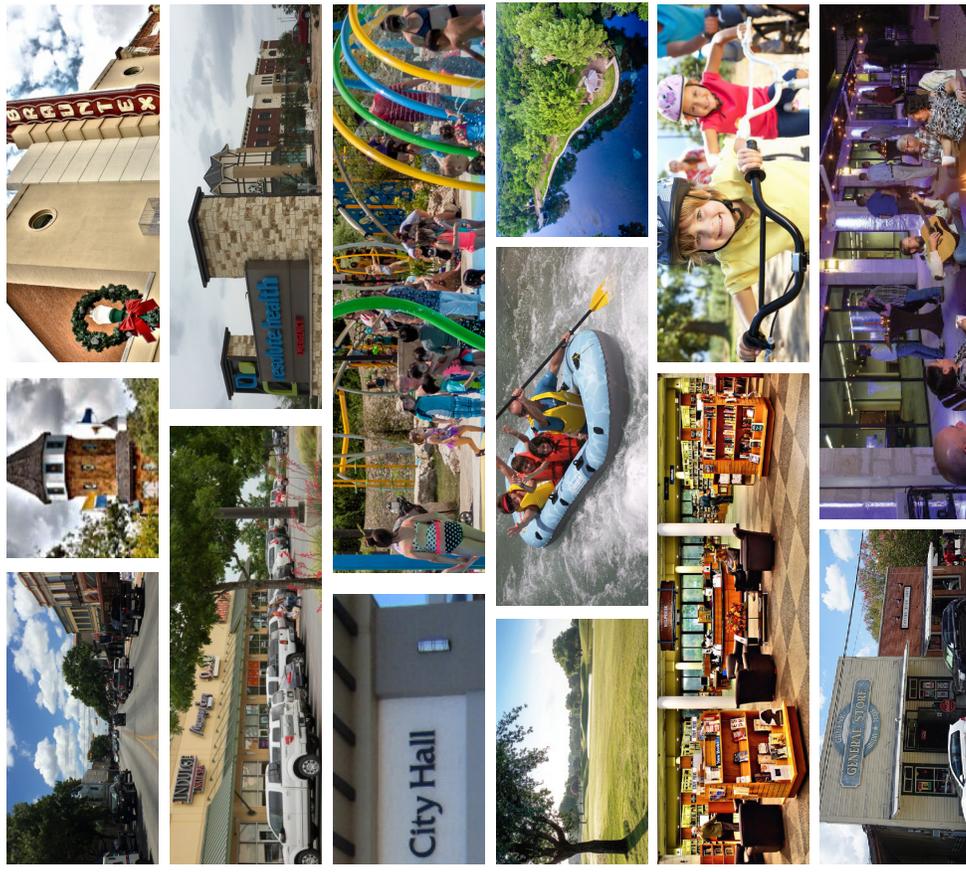
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

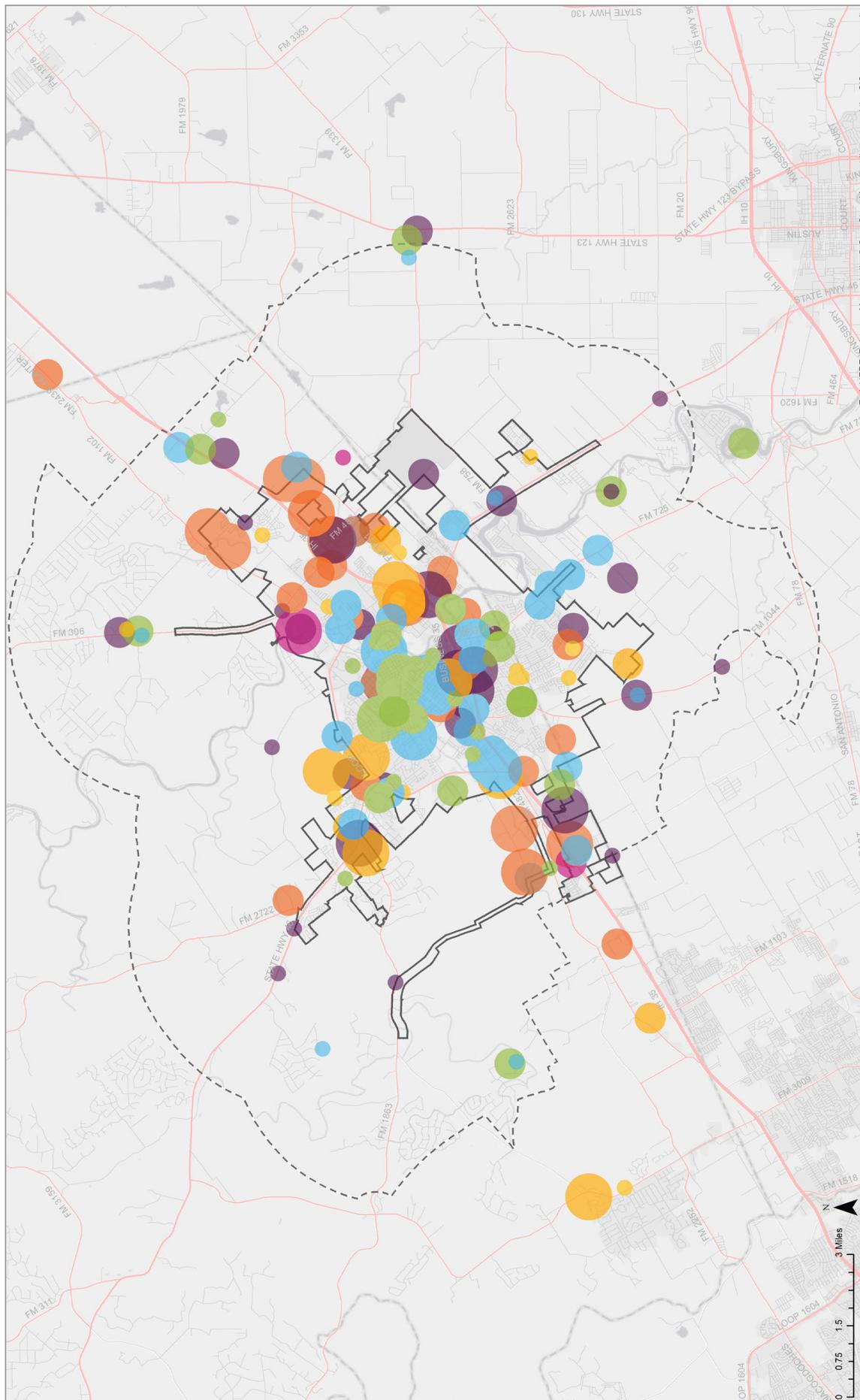
● EDUCATION CENTER

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.

PLANNING COMMISSION – DECEMBER 4, 2018 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Serendipity Vacation Rentals**Address/Location:** 118 S. Union**PROPOSED SPECIAL USE PERMIT – CASE #PZ-18-044**

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. KTS COMMERCIAL LTD | 9. HERRING PARTICIA D |
| 2. KYLE ELIZABETH B | 10. SMITH ROBERT B FAMILY TRUST |
| 3. MACDONALD KAREN LYNN | 11. SMITHERS RONALD C & SHIRLEY A |
| 4. HOYT MATTHEW E | 12. SMITHERS RONALD C & SHIRLEY A |
| 5. FELGER LIVING TRUST 11-21-2017 | 13. TILLY MICHAEL L |
| 6. RJ FELGER LLC | 14. SUSSE PETROLEUM PROPERTY |
| 7. RIVERS WILLIAM G | 15. KIENY ALLEN & KIMBERLY |
| 8. HERRING FAMILY INTERESTS LTD | |

SEE MAP



PZ-18-044
118 S. Union St.
SUP to Short Term Rentals in C-1





Subject Property from W. Common St. facing south

3.3-7. "C-1" local business district. The following regulations shall apply in all "C-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)
- Assisted living facility/retirement home
- Boardinghouse/lodging house
- Community home (see definition)
- Duplex / two-family / duplex condominiums
- Family home adult care
- Family home child care
- 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 or two family industrialized home (see Sec. 5.8)

Non-residential uses:

- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care with overnight stay
- Ambulance service (private)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan's studio
- Automobile driving school (including defensive driving)
- Bakery (retail)
- Bank, savings and loan, or credit union
- Bar/Tavern (No outdoor music)
- 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
- Book binding
- Book store
- Cafeteria / café / delicatessen
- Campers' supplies
- Cemetery and/or mausoleum
- Check cashing service
- Child day care/children's nursery (business)
- Church/place of religious assembly
- Cleaning, pressing and dyeing (non-explosive fluids used)

Clinic (dental)
Clinic (medical)
Clinic (emergency care)
Club (private)
Coffee shop
Communication equipment (installation and/or repair)
Community building (associated with residential uses)
Computer and electronic sales
Computer repair
Consignment shop
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
Day camp
Department store
Drapery shop / blind shop
Drug sales/pharmacy
Electrical repair shop
Electrical substation
Exterminator service
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)
Filling station (fuel tanks must be below the ground)
Florist
Food or grocery store with or without fuel sales
Fraternal organization/civic club (private club)
Frozen food storage for individual or family use
Funeral home/mortuary
Furniture sales (indoor)
Garden shops and greenhouses
Golf course (miniature)
Golf course, public or private
Governmental building or use with no outside storage
Greenhouse (commercial)
Handicraft shop
Hardware store
Health club (physical fitness; indoors only)
Hospice
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)
Kiosk (providing a retail service)
Laundromat and laundry pickup stations
Laundry/dry cleaning (drop off/pick up)
Laundry/washateria (self serve)
Lawnmower sales and/or repair
Locksmith

Martial arts school
 Medical supplies and equipment
 Mini-warehouse/self storage units (no boat / RV storage permitted; no outside storage)
 Motion picture studio, commercial film
 Motion picture theater (indoors)
 Museum
 Needlework shop
 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
 Park and/or playground (public or private)
 Parking lots (for passenger car only) (not as incidental to the main use)
 Pawn shop
 Pet shop / supplies (10,000 sq. ft. or less)
 Photographic printing/duplicating/copy shop or printing shop
 Photographic studio (no sale of cameras or supplies)
 Photographic supply
 Plant nursery (growing for commercial purposes with retail sales on site)
 Plant nursery (retail sales / outdoor storage)
 Plumbing shop
 Public recreation/services building for public park/playground areas
 Radio/television shop, electronics, computer repair
 Recreation buildings (public)
 Refreshment/beverage stand
 Restaurant/prepared food sales
 Restaurant with drive through service
 Retail store and shopping center with drive through service (50,000 sq. ft. bldg. or less)
 Retirement home/home for the aged
 School, K-12 (public or private)
 School, vocational (business/commercial trade)
 Security monitoring company
 Shoe repair shops
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
 Studio for radio or television (without tower)
 Tailor shop (see home occupation)
 Telecommunications towers/antennas (see Sec. 5.7)
 Telemarketing agency
 Telephone exchange buildings (office only)
 Theater (non-motion picture; live drama)
 Tool rental

Travel agency
 University or college (public or private)
 Upholstery shop (non-auto)
 Vacuum cleaner sales and repair
 Video rental / sales
 Water storage (surface, underground or overhead), water wells
 and pumping stations that are part of a public or municipal
 system
 Woodworking shop (ornamental)

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

(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 uses.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(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.

(iv) *Rear building setback.* 20 feet.

(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.

(vi) *Width of lot.* The minimum width of a lot shall be 40 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.

(vii) *Corner lots.* A minimum 25-foot front yard 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.

(viii) *Parking.* See Section 5.1. for permitted uses parking.

(2) One family dwellings.

(i) *Height.* 35 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.* 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.* 35 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.

(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 Section 5.1 for other permitted uses' parking.

(4) Multifamily dwellings.

(i) *Height.* 35 feet; 50 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)

(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.)

See Section 5.1 for other permitted uses' parking.

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 development-generated 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-O, 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 guest(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 complete 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 December 4, 2018 Planning Commission Regular Meeting

PZ-18-044 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the "C-1" Local Business District at 118 S. Union Avenue.

(Applicant: Serendipity Vacation Rentals; Case Manager: M. Simmont)

Mr. Simmont presented the Staff report and recommended approval with the following conditions:

1. *Parking.* Tenant information requires that occupants park only in the (12-13) designated vacation rental parking spaces on the property. The spaces must be clearly delineated within the parking lot.
2. The residential character of the property must be maintained.
3. 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.

Discussion followed regarding the parking lot on the property.

Commissioner Gibson inquired if there were minimum distance requirements from child care facilities.

Mr. Simmont clarified there were not distance requirements for short term rentals from child care facilities.

Commissioner Meyer expressed concerns regarding the maximum occupancy and the number of bathrooms provided.

Discussion followed regarding occupancy and potential code amendments.

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

Tammy Gonzalez, 673 Highway 41, stated she was the applicant. She described the proposed sleeping areas. She stated their occupancy would include adults and children, and would have a maximum occupancy of 24. She described the measures taken to meet fire code requirements.

Commissioner Meyer inquired about the sleeping areas indicated in the parlor room.

Ms. Gonzalez stated the parlor room had pullout sofas and were therefore considered a sleeping area.

Discussion followed regarding occupancy maximums.

Commissioner Sonier commented it was a good location for a short term rental.

Commissioner Meyer requested clarification that the maximum occupancy calculated for the short term rental permit would not include children.

Mr. Simmont verified that that was correct.

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

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Gibson, to close the public hearing. Motion carried (7-0-0).

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 short term rental of a single-family residence in the "C-1" Local Business District at 118 S. Union Avenue, with a maximum occupancy of 24 and Staff recommendations. Motion carried with Vice Chair Reaves and Commissioner Laskowski in opposition (5-2-0).

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 A SINGLE FAMILY DWELLING IN THE “C-1” LOCAL BUSINESS DISTRICT, ON LOTS 10, 11 & 12, CITY BLOCK 5056, ADDRESSED AT 118 S. UNION 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 2 Special Use Permit for Lots 10, 11 & 12, City Block 5056, addressed at 118 S. Union Avenue, to allow the short term rental of a single family dwelling in the “C-1” Local 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 Lots 10, 11 & 12, City Block 5056, addressed at 118 S. Union Avenue, as delineated in the attached Exhibit ‘A’, to allow the short term rental of a single family dwelling in the “C-1” Local Business District.”

SECTION 2

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

1. *Parking.* The required tenant information will state that occupants may park only in the designated short term rental parking spaces on the property. The spaces must be clearly delineated within the parking lot.
2. The existing residential character of the property must be maintained.
3. Exhibit 'B' shall be considered the adopted site plan. Parking on the property shall be restricted in accordance with the site plan. The property will remain in compliance with the adopted site plan. Any significant changes to the site plan will require a revision to the SUP.
4. Maximum occupancy of the short-term rental is limited to 16 adults.

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 14th day of January, 2019.

PASSED AND APPROVED: Second Reading this the 28th day of January, 2019.

CITY OF NEW BRAUNFELS

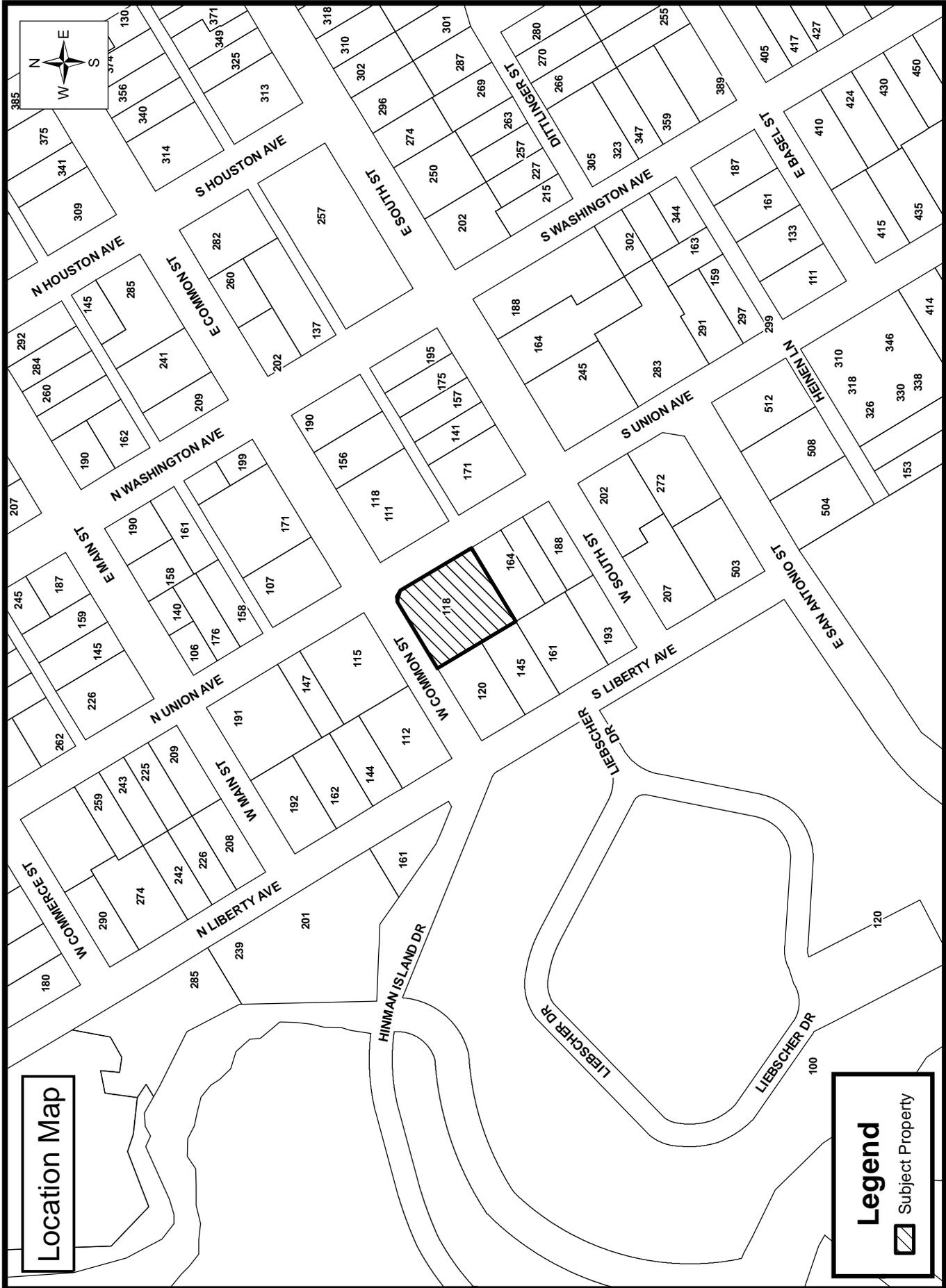
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



Location Map

Legend

-  Subject Property

Map Created 11/15/18

PZ-18-044
118 S. Union Ave
SUP to STR in C-1

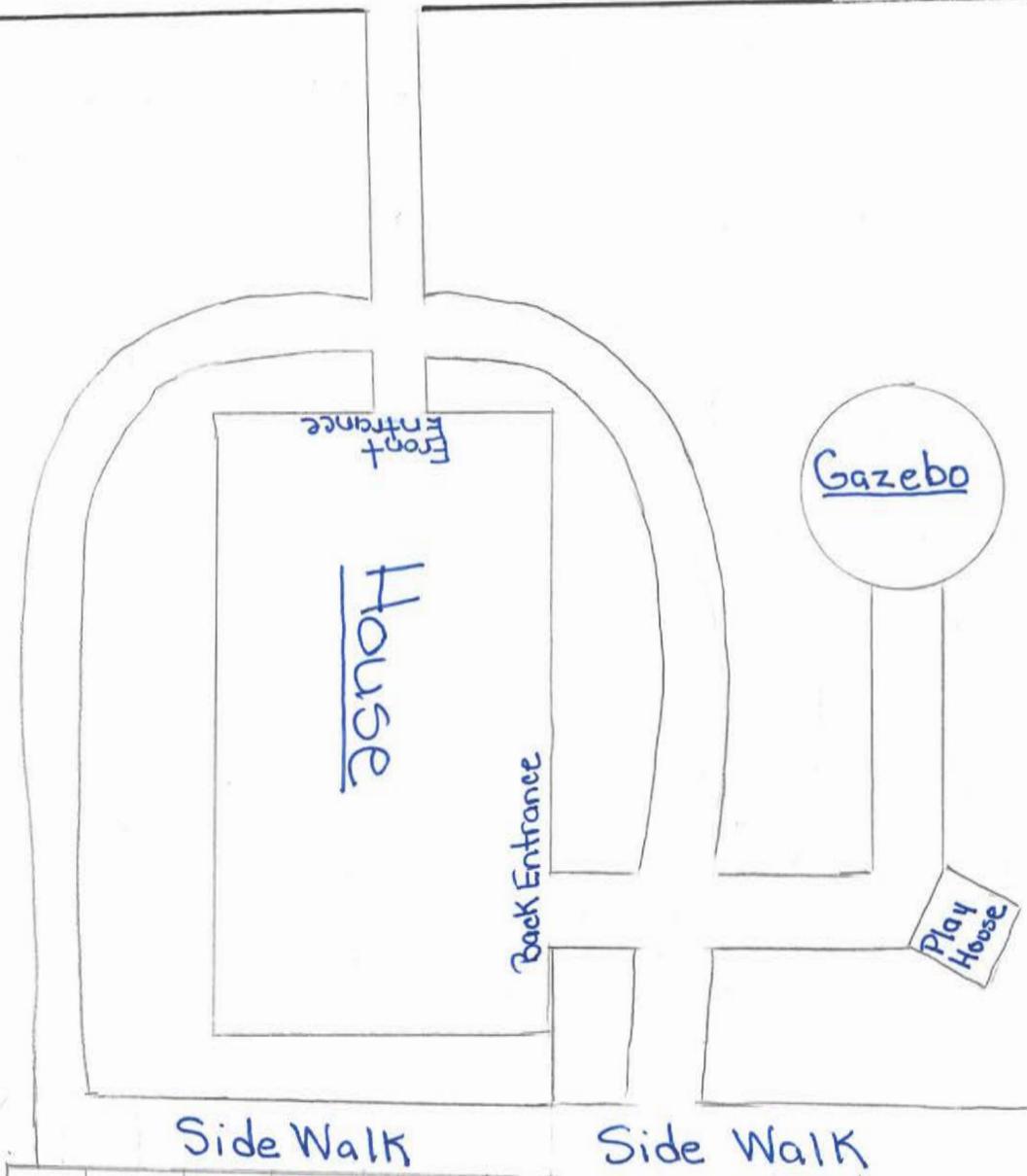
EXHIBIT 'A'



Union Street

Common

(15ft lineh)
Drive Way
Entrance



| | | | | | |
|------|------|------|------|------|------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 10ft | 10ft | 10ft | 10ft | 10ft | 10ft |

Parking

EXHIBIT 'B'



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. D)

Presenter

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

SUBJECT:

Approval of the second and final reading of an ordinance regarding the proposed rezoning of 7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 and 5979 IH-35 South, from "APD" Agricultural/Pre-Development to "M-1A" Light Industrial District.

BACKGROUND / RATIONALE:

Case No.: PZ-18-043

Council District: 1

Applicant: Moeller & Associates, James Ingalls Agent
2021 SH 46 West, Suite 105
New Braunfels, TX 78132

Property Owner: Jeannine C. Engel et al
6783 US Highway 281
Blanco, TX 78606

Staff Contact: Holly Mullins
(830) 221-4054
hmullins@nbtexas.org

City Council held a public hearing on January 14, 2019 and approved the first reading of the requested rezoning.

The subject property is located along the frontage road of IH-35 South, near the intersection of Engel Road. A small strip of the property along the interstate was annexed in 1981 and is zoning "M-1" Light Industrial. The remainder, approximately 7 acres, was annexed in 2007 and is currently zoned "APD" Agricultural/Pre-Development.

The applicant is requesting a zoning change from APD to M-1A to provide consistent zoning on the property to facilitate new development.

General Information:

Size: 7.106 acres

Surrounding Zoning and Land Use:

| | |
|---------|---|
| North - | Across IH-35, C-1B, M-1A/ Stone and gravel supply |
| South - | Outside city limits/ Warehouse, outdoor storage |
| East - | M-1, APD/ Single-family residences |
| West - | Outside city limits/ Undeveloped |

Floodplain:

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

Improvement(s):

Two single-family residences

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 (*M-1A zoning is intended for light manufacturing, distribution, wholesaling and warehousing operations that do not typically depend on frequent customer visits. Such uses generally require access to major thoroughfares. The proposed zoning is appropriate for this location along IH-35 and compatible with existing M-1 zoning on the property. A buffer wall and landscaping will be required if new non-residential or multi-family development is adjacent to residential use.*);
- 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 zoning should not conflict with existing and proposed schools, street, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed zoning would add to the inventory of light industrial zoning.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare.*); and
- Whether the request is consistent with the Comprehensive Plan (*The property is located within the Oak Creek Sub Area and is situated within a Transitional Mixed Use Corridor (IH-35) and is adjacent to a Future Employment Center [see Attachment 3].*)

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

| | |
|--|--|
| <p>City Plan/Council Priority: Envision New Braunfels</p> | <p>Action 1.8 Concentrate future investment in industrial centers near existing and emerging hubs, such as the airport, and along high capacity transportation networks such as IH-35. The proposed rezoning is along IH-35 in an area with existing Light Industrial zoning and will increase the city's inventory of this zoning at an appropriate location for increased economic opportunities.</p> |
|--|--|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 4, 2018 and recommended approval. (7-0-0 with Commissioners Edwards and Tubb absent)

STAFF RECOMMENDATION:

Staff recommends approval as the proposed rezoning is consistent with existing zoning in the surrounding area, lies within a Transitional Mixed Use Corridor, and meets Strategies/Actions of Envision New Braunfels.

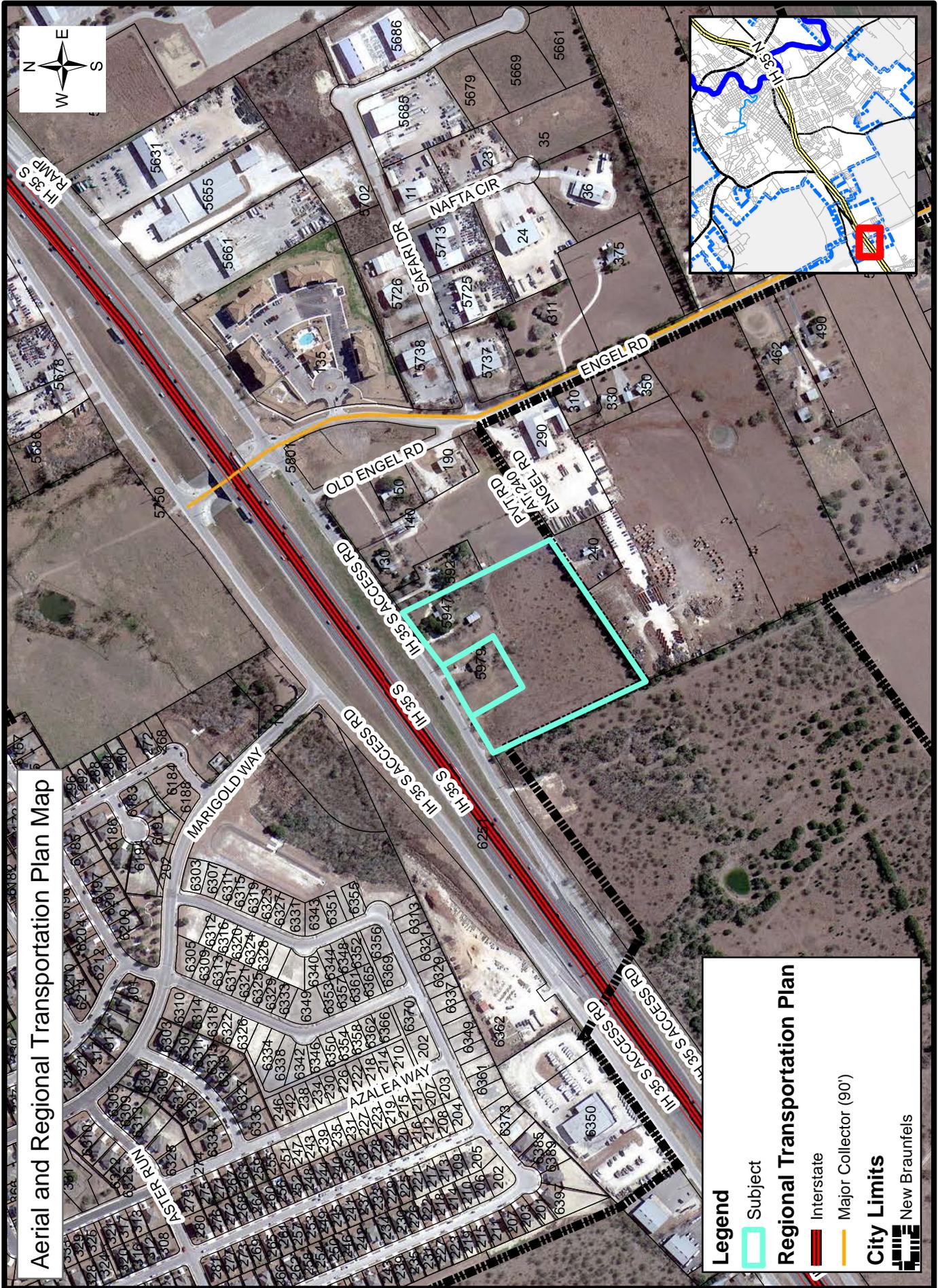
Notification:

Public hearing notices were sent to 3 owners of property inside the City limits and within 200 feet of the request. The Planning Division has received no responses.

Attachments:

1. Aerial Map
2. Application
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)

4. Notification Map and List
5. Sec. 3.4-18 M-1A
6. Planning Commission Draft Minutes
7. Ordinance



PZ-18-043
 5947 IH-35 South
 APD to M-1A





Planning & Community Development Department
Planning Division

550 Landa St. New Braunfels, TX 78130
(830) 221-4050 www.nbtexas.org

75

| | |
|---------------------------------|----------------------------|
| CC/Cash/Check No.: <u>4647</u> | Case No.: <u>PZ-18-043</u> |
| Amount Recd. \$ <u>1,997.30</u> | |
| Receipt No.: <u>218805</u> | |

RECEIVED

OCT 24 2018

BY: K. CROWE

Submittal date - office use only

HM

Zone Change Application

Any application that is missing information will be considered incomplete and will not be processed.

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name: Moeller & Associates, Attn: James Ingalls, PE (Agent)

Mailing Address: 2021 SH 46 W, Ste 105, New Braunfels TX 78132

Telephone: 830-358-7127 Fax: _____ Mobile: _____

Email: jamesingalls@ma-tx.com

2. Property Address/Location: 5947 IH 35 S, New Braunfels TX 78130 + 5979 IH 35 S

3. Legal Description:

Name of Subdivision: Unplatted, out of John Noyes Survey No. 259, ABS 430

Lot(s): _____ Block(s): _____ Acreage: 7.106

4. County: Comal Guadalupe School District: CISD NBISD OTHER: _____

5. Is the property located in the floodway or floodplain: YES NO

6. Existing Use of Property: Existing homestead, undeveloped

7. Zoning Change Request:

Current Zoning: APD

Proposed Zoning: M-IA

8. Proposed Use of Property and/or Reason for request (attach additional or supporting information if necessary):

New site for Master Brick company to move into area.



Zoning Application

Please Note: The signature of owner authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his agent has reviewed the requirements of this application/checklist and all items on this checklist have been addressed and complied with.

(Check One:)

- I will represent my application before City Staff and/or Planning Commission.
- I hereby authorize the person named below to act as my agent/applicant in processing this application before City Staff and/or Planning Commission.

Furthermore, I agree to comply with all platting and subdivision requirements of the City of New Braunfels. I understand the plat will be rejected and will **NOT** be forwarded to the Planning Commission unless staff comments are satisfactorily addressed by the plat resubmittal meeting date. I voluntarily waive my right to request a certificate stating the date the plat was filed and that the Planning Commission failed to act on the plat within thirty days. I do not object to consideration of the plat on 12-4-18 (date of Planning Commission meeting). This waiver expires after 12-4-18 (date of Planning Commission meeting).

Helen J. Cobb, Jeannine C. Engel 830-629-6079 830-552-1631
 Owner's Name (printed) Phone Cell
5947 18355 New Braunfels TX 78132
 Owner's Address City State Zip
Helen J. Cobb 11-9-18 ahanz@nbtx.com
 Owner's Signature Date Email Address

Agent/Applicant Name: JAMES W GALLS
 Company: MOELLER & ASSOCIATES
2021 Hwy 46, Ste 105 New Braunfels TX 78132
 Mailing Address City State Zip
(830) 358-7127 (210) 392-3212 jamesingalls@ma-tx.com
 Phone Cell Email

APPLICATION FEE SCHEDULE

| MASTER PLAN | OTHER FEES THAT APPLY: |
|--|--------------------------------------|
| \$1,000 base fee + \$50 per acre (\$2,500 max) | TIA Worksheet \$100 |
| | Sidewalk Waivers \$300.00 |
| | Plat Variance / Waiver \$150.00 each |
| | Level 1 TIA \$500 |
| | Level 2 TIA \$750 |
| | Level 3 TIA \$1,250 |
| | Technology Fee 3% |



PZ-18-043
5947 IH-35 South
APD to M-1A





Existing Land Use Map

Legend

- Subject
- Residential Low Density
- Commercial
- Industrial
- Open
- Drainage

City Limits

- New Braunfels

PZ-18-043
 5947 IH-35 South
 APD to M-1A



EXISTING CENTERS

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 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 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

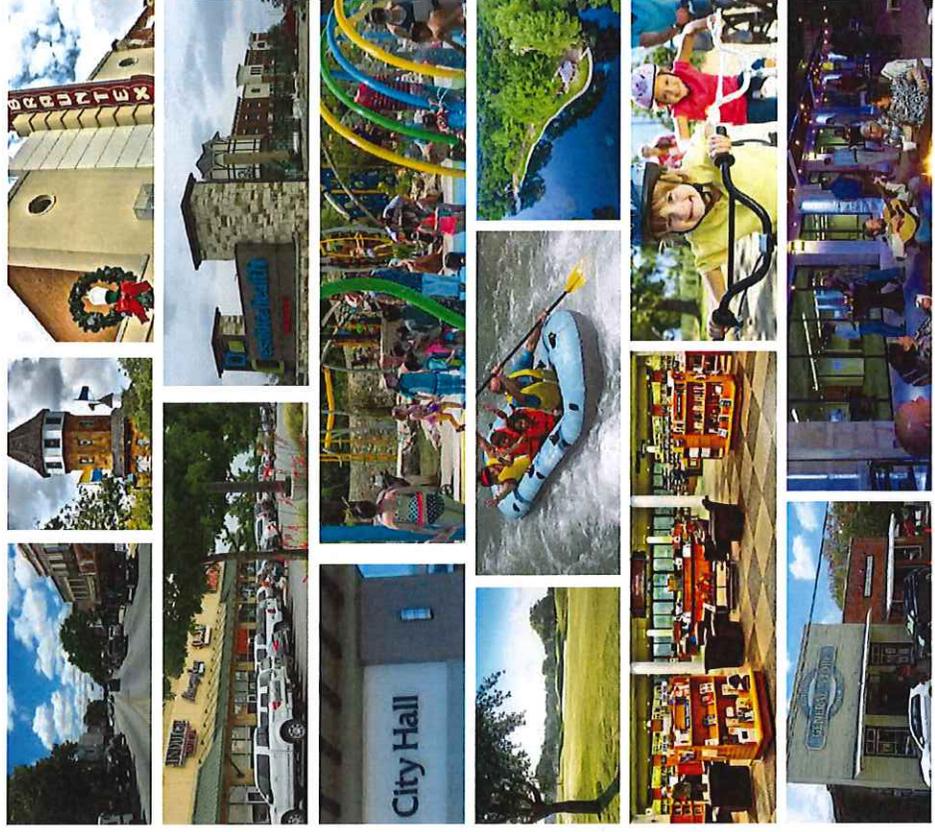
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

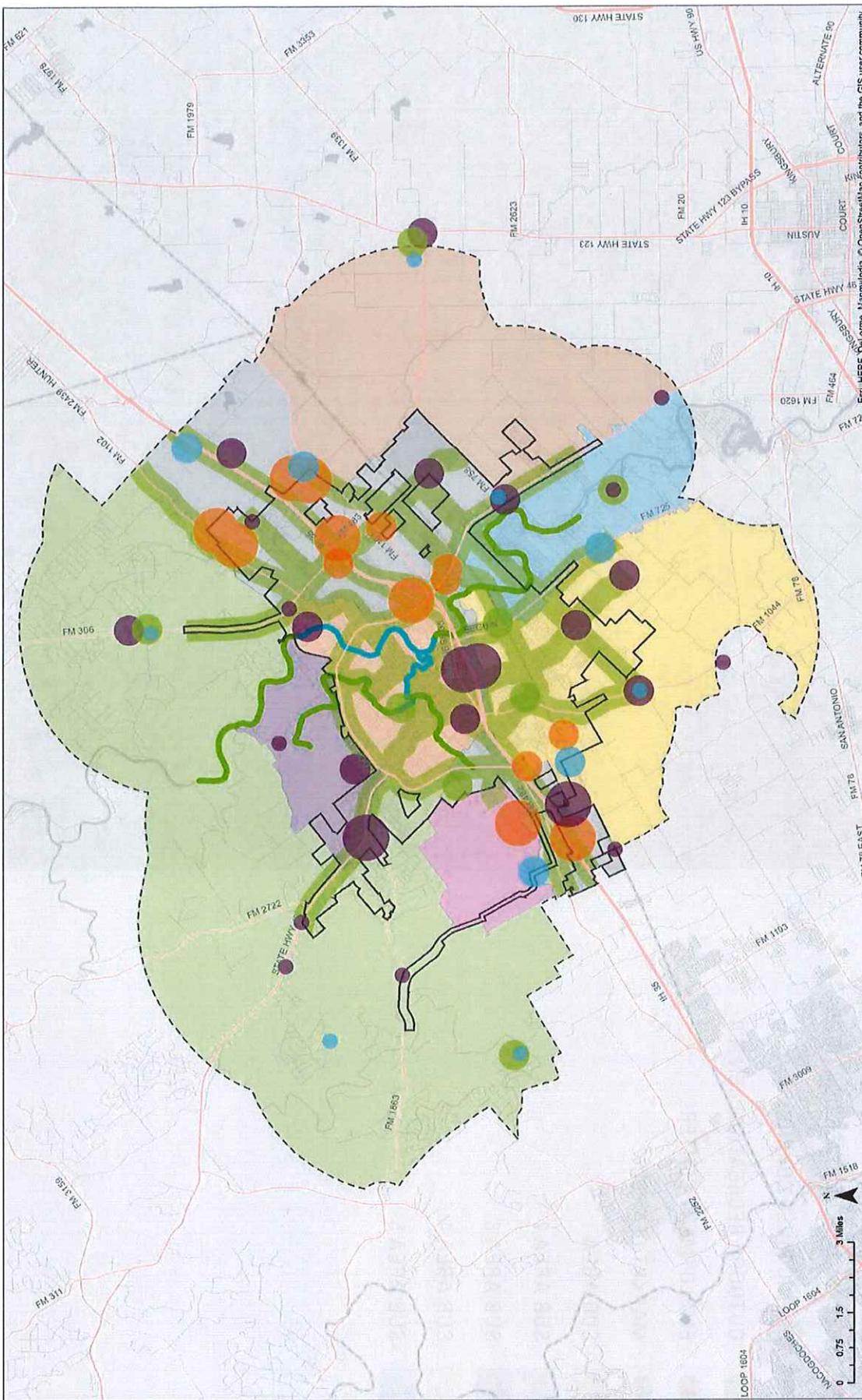
● EDUCATION CENTER

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.





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](#).

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.

PLANNING COMMISSION – DECEMBER 4, 2018 – 6:00PM

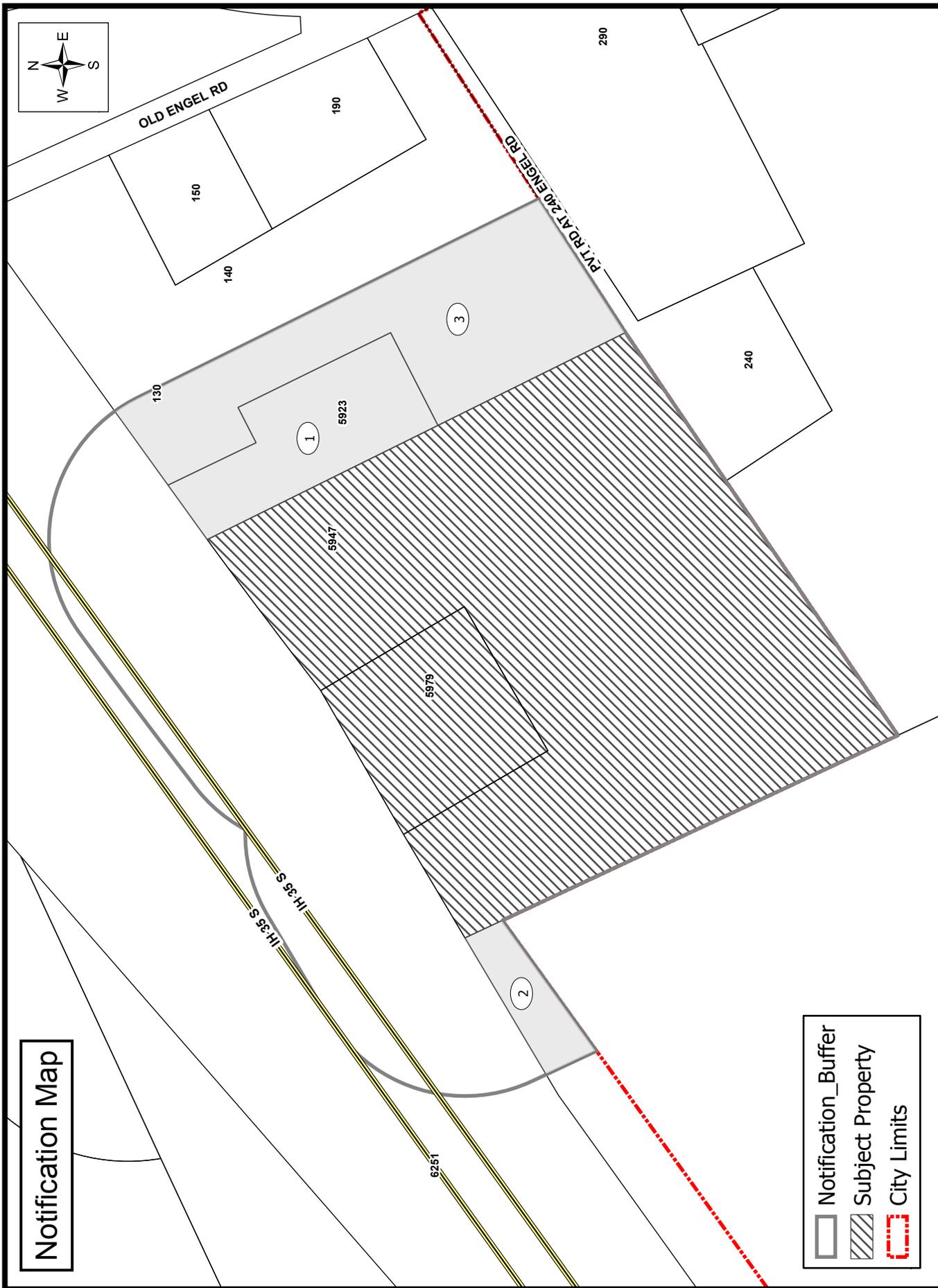
New Braunfels City Hall Council Chambers

Applicant/Owner: James Ingalls (Agent for Jeannine C. Engel et al)**Address/Location:** 5947 & 5979 IH-35 South**PROPOSED ZONE CHANGE – CASE #PZ-18-043**

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".

1. Rosiles Jaime A & Flores Maria I
2. Khamapirad Family Ltd Prtnrshp
3. Koehler Leelan C

SEE MAP



Notification Map

Notification_Buffer
 Subject Property
 City Limits

PZ-18-043
5947 IH-35 South
APD to M-1A

Map Created 11/16/18



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 (only with
 permit from Building Official; see 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/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 (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.

(i) *Height.* 120 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* No side building setback is required.

(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)

(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.

(vii) *Rear building setback.* 20 feet.

(viii) *Width of lot.* 60 feet.

(ix) *Lot depth.* 100 feet.

(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 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.

Draft Minutes for the December 4, 2018 Planning Commission Regular Meeting

PZ-18-043 Public hearing and recommendation to City Council regarding the proposed rezoning of 7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 & 5979 IH-35 South, from “APD” Agricultural/Pre-Development to “M-1A” Light Industrial District.

(Applicant: James Ingalls, Moeller & Associates; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval.

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

James Ingalls, Moeller and Associates, stated he was available to answer any questions.

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

No one spoke.

Motion by Commissioner Laskowski, seconded by Commissioner Nolte, to close the public hearing. Motion carried (7-0-0).

Motion by Commissioner Laskowski, seconded by Commissioner Mathis, to recommend approval to City Council regarding the proposed rezoning of 7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 & 5979 IH-35 South, from “APD” Agricultural/Pre-Development to “M-1A” Light Industrial District, with Staff recommendations. Motion carried (7-0-0).

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 7.106 ACRES OUT OF THE JOHN NOYES SURVEY 259 A-430, ADDRESSED AT 5947 AND 5979 IH-35 SOUTH, FROM “APD” AGRICULTURAL/PRE-DEVELOPMENT DISTRICT TO “M-1A” LIGHT INDUSTRIAL DISTRICT; 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 the “M-1A” Light Industrial District, the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning 7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 and 5979 IH-35 South, from “APD” Agricultural/Pre-Development District to “M-1A” Light Industrial District; **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “APD” to “M-1A” Light Industrial District:

7.106 acres out of the John Noyes Survey 259 A-430, addressed at 5947 and 5979 IH-35 South, as delineated on Exhibit “A” and described in Exhibit “B” attached.

SECTION 2

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 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 14th day of January, 2019.

PASSED AND APPROVED: Second reading this 28th day of January, 2019.

CITY OF NEW BRAUNFELS

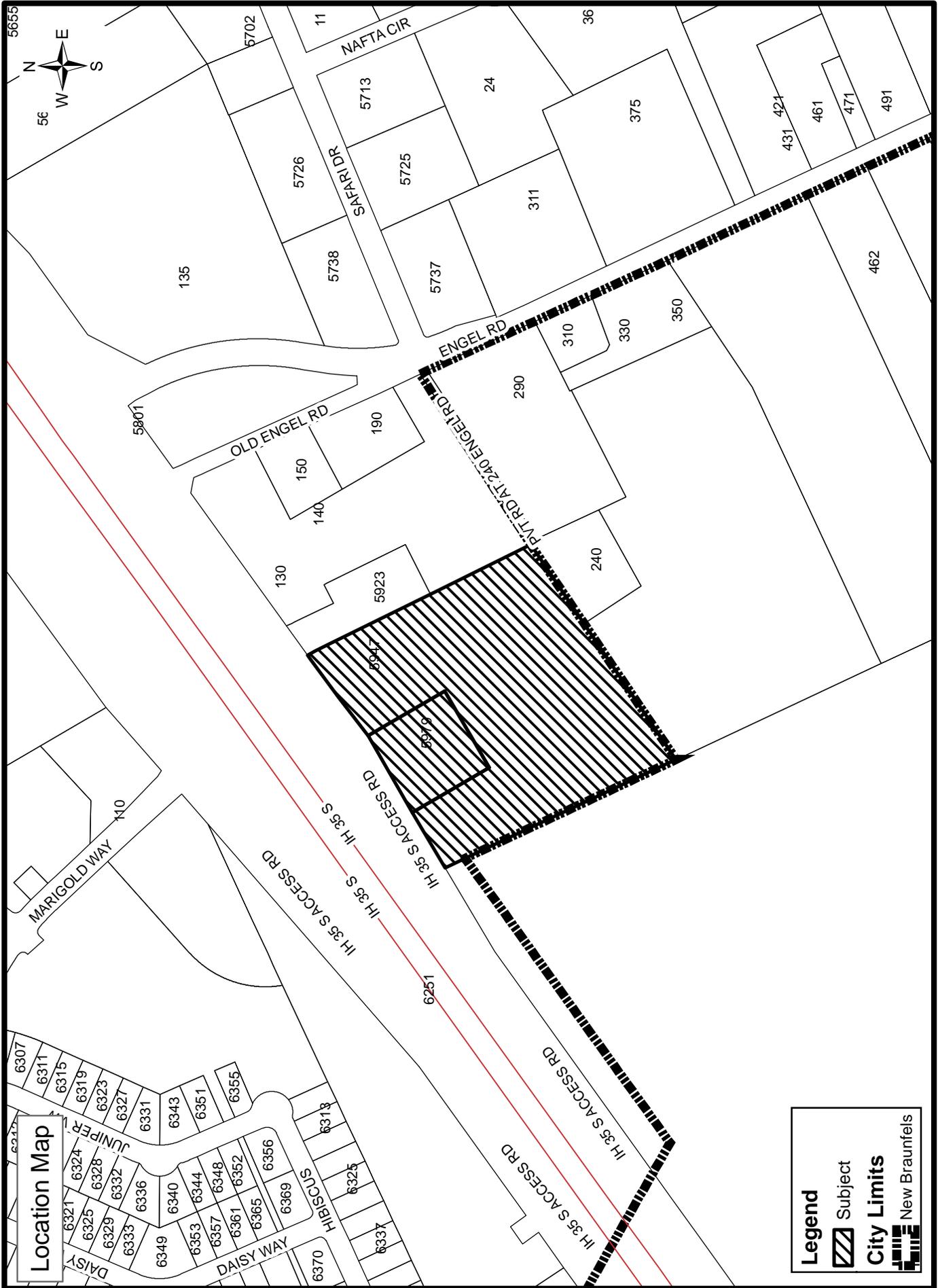
BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney



PZ-18-043
5947 & 5979 IH-35 South
APD to M-1A

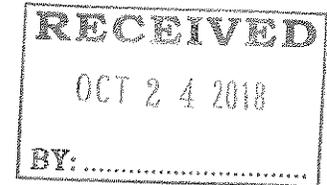
Legend

-  Subject
-  City Limits
-  New Braunfels





METES AND BOUNDS DESCRIPTION
FOR A
7.106 ACRE TRACT OF LAND
"ZONING"



Being 7.106 acres of land situated in the City of New Braunfels, Comal County, Texas, being out of the John Noyes Survey No. 259, Abstract No. 430, and being out of a called 7.23 acre tract of land, as conveyed to Jeannine C. Engel, A. Allyson Hanz and Kenneth Craig Cobb, and recorded in Document No. 200906031538, of the Official Public Records of Comal County, Texas, and out of a called 1.0 acre tract of land, as conveyed to Jeannine C. Engel, A. Allyson Hanz and Kenneth Craig Cobb, and recorded in Document No. 201306007545, of the Official Public Records of Comal County, Texas, and said 7.106 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a corner in the Southeasterly Right-of-Way (R.O.W.) line of Interstate Highway 35 (I.H. 35), being the most Westerly corner of said 7.23 acre tract of land, and being the most Northerly corner of a called 44.328 acre tract of land, as conveyed to Khamapirad Family Limited Partnership, and recorded in Document No. 201206030282, of the Official Public Records of Comal County, Texas;

THENCE departing the Southeasterly R.O.W. line of said I.H. 35, with the Northeasterly line of said 44.328 acre tract of land, and with the Southwesterly line of said 7.23 acre tract of land, S 24° 54' 00" E, a distance of 80.31 feet to a point for a corner, being in the Northeasterly line of said 44.328 acre tract of land, the Southwesterly line of said 7.23 acre tract of land, and being the most Westerly corner of this herein described tract of land and the POINT OF BEGINNING;

THENCE departing the common line between said 44.328 acre tract of land and said 7.23 acre tract of land, and across and through said 7.23 acre tract of land, N 59° 57' 00" E, at a distance of 168.40 feet passing the Southwesterly line of said 1.0 acre tract of land, continuing across and through said 1.0 acre tract of land, at a distance of 377.11 feet passing the Northeasterly line of said 1.0 acre tract of land, and continuing across and through said 7.23 acre tract of land, for a total distance of 381.16 feet to a point for a Northwesterly corner of this herein described tract of land;

THENCE continuing across and through said 7.23 acre tract of land, N 54° 18' 00" E, a distance of 231.17 feet to a point in the Northeasterly line of said 7.23 acre tract of land, being in the Southwesterly line of Lot 2A, Koehler Subdivision, as recorded in Volume 9, Page 151, of the Map and Plat Records of Comal County, Texas, and being the most Northerly corner of this herein described tract of land;

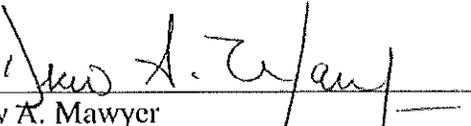
THENCE with the Northeasterly line of said 7.23 acre tract of land, same being the Southwesterly line of said Lot 2A, S 26° 00' 00" E, at a distance of 225.84 feet passing the most Southerly corner of said Lot 2A, same being a Westerly corner of Lot 2B, of said Koehler Subdivision, and continuing with the Southwesterly line of said Lot 2B for a total distance of 504.84 feet to a point for the most Southerly corner of said Lot 2B, being in the Northwesterly line of a called 10.403 acre tract of land, as conveyed to Freddie Engel, and recorded in Volume 605, Page 244, of the Official Public Records of Comal County, Texas, and being the most Easterly corner of said 7.23 acre tract of land and this herein described tract of land;

THENCE with the Southeasterly line of said 7.23 acre tract of land, same being the Northwesterly line of said 10.403 acre tract of land, S 56° 30' 00" W, a distance of 623.40 feet to a point for the most Westerly corner of said 10.403 acre tract of land, being in the Northeasterly line of aforementioned 44.328 acre tract of land, and being the most Southerly corner of said 7.23 acre tract of land and this herein described tract of land;

THENCE with the common line between said 44.328 acre tract of land and said 7.23 acre tract of land, N 24° 54' 00" W, a distance of 520.44 feet to the POINT OF BEGINNING, and containing 7.106 acres of land, more or less.

"This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

Bearings based on Document No. 200906031583, of the Official Public Records of Comal County, Texas.


 Drew A. Mawyer
 Registered Professional Land Surveyor No. 5348
 TBPLS Firm Registration #10191500
 5151 W. State Highway 46, New Braunfels, TX 78132
 MOE331- ENGEL ZONING M&B





City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. E)

Presenter/Contact

TJ Grossi, Building Official
(830) 221-4062 - tgrossi@nbtexas.org

SUBJECT:

Approval of the second and final reading of an ordinance amending the Code of Ordinances Chapter 14 Building Regulations, Chapter 54 Fire Prevention and Protection; Emergency Medical Services, and Appendix D Fee Schedule.

BACKGROUND / RATIONALE:

Council District: City-wide

Applicant: City of New Braunfels

Staff Contact: T.J. Grossi, Building Official
(830) 221-4062
tgrossi@nbtexas.org

At their meeting on January 14, 2019, City Council approved the first reading of this proposed ordinance.

Pursuant to City Council adoption in 2015, the City of New Braunfels is currently operating under the 2015 International Building Codes with two exceptions: the 2014 National Electric Code and the 2012 International Energy Conservation Code. The International Code Council (ICC) along with the National Fire Protection Agency has published updated versions of these Codes, a process they complete every 3 years. In an effort to keep the City of New Braunfels construction standards current with the internationally recognized building codes, an amendment to Chapter 14 Building Regulations, Chapter 54 Fire Prevention and Protection; Emergency Medical Services, and Appendix D Fee Schedule is in order. The amendments include adoption of the 2018 International Building Code (IBC), 2018 International Residential Code (IRC), International Plumbing Code (IPC), International Mechanical Code (IMC), International Fuel Gas Code (IFGC), International Property Maintenance Code (IPMC), International Existing Building Code (IEBC), International Energy Conservation Code (IECC), International Private Sewage Code (IPSC), International Swimming Pool and Spa Code (ISPSC), International Fire Code (IFC), and 2017 National Electric Code (NEC) with associated amendments as read in Attachment 1.

Within each code there are sections that require words or amounts inserted, which can be seen in the draft ordinance. There are also some amendments within the International Fire Code which the Fire Department has enforced with past adoptions of the IFC; with the exception of the new requirement to retrofit a fire sprinkler system within A2 Occupancies with an occupant load over 300 and the consumption of alcohol. Staff informed each business impacted by this new safety rule. The

proposal is to allow the impacted business owners 3 years to come into compliance with this new requirement.

Appendix D would be amended to capture the current Building Valuation Data that is published twice a year. This Data Table provides the average cost of construction per square foot based on use and construction type. Currently, New Braunfels uses the Data Table published in February of 2012. The proposed amendment would change the language of the dated BVD table to the most current, so New Braunfels would continue to capture the most current data without needing to amend the Code of Ordinances.

In addition to adoption of the updated ICC Codes, the proposed amendments better organize all of the building codes within the City's Code of Ordinances. This will improve transparency allowing customers and staff easier access to the code requirements, as well as the information for contractor registrations.

Staff held a meeting with builders and contractors in October, 2018 to discuss the updates. Staff has also had continued conversations with customers, including design professionals and the New Braunfels Builders Association.

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

| | |
|---|--|
| <p>City Plan/Council Priority: Envision New Braunfels Comprehensive Plan</p> | <p>Updating New Braunfels' building codes every three years ensures the most current building standards are adhered to, which makes our communities more resilient, sustainable, safe and livable for generations to come. Action 1.11: Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. Action 6.12: Implement measures to maintain an ISO rating of 1 for Fire Protection to ensure the safety of all residents and to keep property insurance rates low.</p> |
|---|--|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends approval of the proposed amendments as presented, including the aforementioned 3-year grace period for the fire sprinkler system retrofit in A2 Occupancies with an occupant load over 300 and the consumption of alcohol. Updating the Building Codes every three years keeps New Braunfels up to date with building standards and safety, and maintains consistency for the development and contracting community and design professionals, many of whom build in other communities in the region as well.

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING CHAPTER 14-BUILDING AND BUILDING REGULATIONS BY REPEALING ARTICLES I THROUGH X AND REORGANIZING, DELETING AND UPDATING THESE PROVISIONS AND ADOPTING THE CURRENT CODES; AND AMENDING CHAPTER 54-FIRE PREVENTION AND PROTECTION, EMERGENCY MEDICAL SERVICES, ARTICLE III, BY ADOPTING THE 2018 INTERNATIONAL FIRE CODE, AND AMENDING APPENDIX D- FEE SCHEDULE TO ADOPT THE MOST CURRENT PUBLICATION OF THE INTERNATIONAL CODE COUNCIL’S BUILDING VALUATION DATA TABLE; REPEALING ALL ORDINANCES IN CONFLICT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels is currently under 2015 International Residential, Building, Plumbing, Mechanical, Fuel Gas, Energy Conservation, Fire, Property Maintenance and Existing Building Codes and the 2014 National Electrical Code, and should be brought up to current building standards to be consistent with other municipalities in the State; and,

WHEREAS, the City Building Department, has advised local builders and contractors of the City’s intention to adopt the updated version of the aforementioned codes; and

WHEREAS, the City of New Braunfels also finds it necessary to adopt the most recent codes, in order to protect the health, safety and welfare of the public.

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

I.

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 Chapter 14, “Buildings and Building Regulations” of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

Chapter 14 - BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. ~~IN GENERAL~~

~~Sec. 14-1. Standard Swimming Pool Code adopted; amendments; appeals; re-inspection fee; penalty.~~

~~(a) The International Swimming Pool and Spa Code (ISPSC), 2015 edition, as published by the International Code Council (ICC) is hereby adopted and incorporated by reference as the standard for residential swimming pools, for one or two family dwellings.~~

- ~~(b) The International Swimming Pool and Spa Code (ISPSA), 2015 edition is adopted as the standard for multifamily, commercial and public swimming pools.~~
- ~~(c) Permit limitations. An application for a permit for any proposed work shall be deemed abandoned if the permit has not been issued (physically received by the applicant) within 30 days of the date of the application's approval, with or without conditions imposed by the city and any reviewing department or agency. An application is considered approved once all reviews are complete and the permit is ready to be issued subject to any condition attached thereto. If abandoned, the work shall not be commenced and no inspections will be made until another application has been made and another permit approved and issued. All permits shall expire a maximum of six months after the date the application is approved or conditionally approved, regardless of whether the permit had been issued (received by the applicant). Extensions of the expiration period may be made by the building official upon presentation by the applicant of good and justifiable cause. Examples of justification could include natural or manmade disasters, scope of extremely large projects that typically require more than six months to complete, or a lack of availability of materials due to regional or nationwide shortages.~~
- ~~(1) Fees. Fees for pools and related systems, equipment, and appurtenances shall be based on the schedules approved for the building, electrical, mechanical, gas, and plumbing codes of the city as outlined in appendix D of this Code.~~
- ~~(2) Electrical applications to comply with the 2014 National Electrical Code.~~
- ~~(d) Reinspection fees are outlined in appendix D of this Code.~~
- ~~(e) Where there is conflict between the code adopted in this section and any city, state, or federal law, the more restrictive requirements shall govern unless the less restrictive requirements are preemptive under state or federal law.~~
- ~~(f) Any person, firm, corporation, agent, or entity that violates a provision of the code adopted by this section, or fails to comply therewith or with any of the provisions thereof, or violates a detail, statement, plan, or specification for a permit approved there under, shall be guilty of a misdemeanor. Each and every day or portion thereof during which any such violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than \$2,000.00 for each day and each offense upon conviction in a court of competent jurisdiction.~~

~~(Ord. No. 2015-35, § I, 7-13-15; Ord. No. 2018-21, § 5, 3-26-18)~~

~~Sec. 14-2. Standard Amusement Device Code adopted; amendments; re-inspection fee; penalty.~~

- ~~(a) The Standard Amusement Device Code, 1985 edition, as published by the Southern Building Code Congress International, Inc., as previously adopted by the city, shall remain in full force and effect subject to and including by reference such revisions, corrections, additions, and deletions as shall appear in this section.~~
- ~~(b) The Standard Amusement Device Code adopted in subsection (a) of this section is hereby amended in the following respects:~~
- ~~Section 108 shall be renamed the "Construction Board of Adjustment and Appeals" and sections 108.1 through 108.5, inclusive, shall be deleted in their entirety and the following added:~~
- ~~Appeals of the requirements in the Standard Amusement Device Code may be made to the construction board of adjustment and appeals in accordance with the requirements set forth in the building code.~~
- ~~(c) Reinspection fees are outlined in appendix D of this Code.~~
- ~~(d) Where there is conflict between the code adopted by this section and any city, state or federal law, the more restrictive requirements shall govern unless the less restrictive requirements are preemptive under state or federal law.~~

~~(e) Any person, firm, corporation, agent, or entity that violates a provision of the codes adopted by this section, or fails to comply therewith or with any of the provisions thereof, or violates a detail, statement, plan, or specification for a permit approved there under, shall be guilty of a misdemeanor. Each and every day or portion thereof during which any violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than \$2,000.00 for each day and each offense upon conviction in a court of competent jurisdiction.~~

~~(Ord. No. 2015 35, § I, 7 13 15; Ord. No. 2018 21, § 5, 3 26 18)~~

~~Sec. 14-3. Administration and enforcement of codes, ordinances and articles.~~

~~The building official of the city shall have the responsibility for the administration and enforcement of these codes ordinances and articles as adopted by this chapter, and such official shall have all of the responsibilities called for in these articles and the specifications, rules and regulations adopted by these codes, ordinance and articles.~~

~~(Ord. No. 2015 35, § I, 7 13 15)~~

~~Sec. 14-4. Interpretation of codes, ordinances and articles.~~

~~The building official shall have the authority to render interpretations of these codes, ordinance, and articles; and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of these codes, ordinances and articles. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in these codes, ordinances and articles.~~

~~(Ord. No. 2015 35, § I, 7 13 15)~~

~~Sec. 14-5. Commercial premium or overtime inspection fees.~~

~~Premium or overtime inspections are those inspections requested for times other than the normal working hours. Fees for premium inspections done after 4:00 p.m. on weekdays and on weekends shall be at a rate of \$45.00 per inspection with a minimum of three inspections required.~~

~~(Ord. No. 2015 35, § I, 7 13 15)~~

~~Sec. 14-6. Building official to determine conflicts between codes.~~

~~The code official is the building official except where specifically described as the fire code official. Applying to any construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, occupancy loads, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, the building official is hereby authorized and directed to enforce the provisions of these codes and ordinances (all ICC codes adopted by the city and all city and all city ordinances that apply). The building official shall have the authority to render interpretations of all of these codes and ordinances and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of these codes and ordinances. The building official will be the final authority in any disputes of any interpretations of or any conflicts between these codes and ordinances. The building official is also the final authority in determining who will apply and enforce these codes and ordinances.~~

~~(Ord. No. 2015 35, § I, 7 13 15)~~

~~Sec. 14-7 – 14-25. Reserved.~~

~~ARTICLE II. BUILDING CODE~~

~~Sec. 14-26. Short title.~~

~~This article shall be known as the building code of the city and may be cited as such.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-27. International Building Code (IBC) 2015 and International Residential Code (IRC) 2015.~~

~~(a) The IBC 2015 and the IRC 2015, and all appendices, are hereby adopted and incorporated by reference as the building codes of the city, except as stated in the following.~~

~~(b) Appendix A, IBC, Employee Qualifications is not adopted.~~

~~(c) Appendix B, IBC, Board of Appeals is not adopted.~~

~~(d) Appendix D, IBC, Fire Districts is not adopted.~~

~~(e) Appendix H, IBC, Signs is amended as follows:~~

~~Section 101.2, Signs Exempt from Permits is deleted and replaced with Section 106.10 Code of Ordinances, City of New Braunfels, Texas, Signs exempt from regulation or permits.~~

~~(f) Delete Section 105.2 IBC and IRC and amended as follows:~~

~~1. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.~~

~~2. Swings and other playground equipment accessory to detached one- and two-family dwellings.~~

~~(g) Appendix J, IBC, Grading is not adopted.~~

~~(h) Appendix I, IRC, Private Sewage Disposal is not adopted.~~

~~(i) Appendix L, IRC, Permit Fees is not adopted.~~

~~(j) All references to the International Electric Code are hereby deleted.~~

~~(k) All references to the Department of Building Safety, as found in Section R103, IRC and Section 103, IBC, are hereby deleted and shall be known as the Building Department.~~

~~(l) All references to the Board of Appeals, as found in Section 112, IRC and Section 113, IBC, are hereby deleted and shall be known as the Construction Board of Appeals Section 14-404 of the City of New Braunfels Code of Ordinances.~~

~~(m) Delete Section R302.5.1 IRC and replace as follows:~~

~~Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches thick, or 20 minute fire-rated door.~~

~~(n) Delete Section R311.2 IRC and replace as follows:~~

~~Exit Door Required. Not less than two doors conforming to this section shall be provided for each dwelling unit. The required doors shall provide for direct access from the habitable portions of the dwelling to the exterior without travel through a garage. Access to habitable levels not having two exits in accordance with this section shall be by a ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.~~

~~(e) Delete Chapter 11 of the IBC and replace as follows:~~

- ~~1. Chapter 11 – Accessibility: All buildings or portions of buildings must comply with the accessibility standards adopted by the state of Texas. All projects shall be submitted to Texas Department of Licensing & Regulation (TDLR) for review, inspection and approval in accordance with state law.~~
- ~~2. Before a contractor applies for a permit for a building or structure per the Texas Architectural Barriers Act, Texas Government Code, Chapter 469, Section 469.101 the contractor shall provide proof that he has registered the construction documents with the TDLR. Proof of registration consists of the project registration number from the TDLR.~~
- ~~3. The Building Official shall have the authority to require registration with TDLR.~~
- ~~4. The Building Official shall require an asbestos survey as required by the Texas Asbestos Health Protection Act (Art. 4472-3a Vernon's Texas Civil Statutes).~~

~~(p) Chapter 10, Section 1004.1.2 of the IBC is amended to read as follows:~~

~~1004.1.2 Number by Table 1004.1.2. The number of occupants shall be computed at the rate of one occupant per unit of area as prescribed in Table 1004.1.2~~

~~Exception: The Building Official shall have the authority to assign occupancy load that is less than required by Table 1004.1.2.~~

~~(q) Chapter 9, Section 903.1 of the IBC shall be amended to read as follows:~~

~~903.1 General. Automatic sprinkler systems shall comply with this section.~~

~~Exception: Change of occupancy from any other occupancy other than R-3 will require compliance with this section.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-28. Reserved.~~

Editor's note — ~~Ord. No. 2018-21, § 5, adopted March 26, 2018, repealed the former section 14-28 in its entirety, which pertained to building code fees, and derived from Ord. No. 2015-35, § 1, adopted July 13, 2015.~~

~~— For current provisions pertaining to building code fees, the user's attention is directed to appendix D of this Code.~~

~~Sec. 14-29. Contractors.~~

~~(a) General contractor-local registration shall expire on February 28th of each year. The term "general contractor" shall mean and include every person who is engaged in the business of working on, or causing to be worked on, or accepting orders or contracts for work on any building, structure, or property, whether compensated or not compensated, under the IRC 2015 R101.2 Scope. The provisions of the IRC for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures except for the following:~~

- ~~(1) The term "general contractor-residential" shall not apply to specific trades such as foundation and flatwork, framing, cabinetry, painting, roofing, and paving as long as such work is performed under subcontract to a licensed general contractor;~~

- (2) ~~The term "general contractor residential" shall not apply to the trade of electricians who are licensed separately under city ordinances, nor to plumbing and mechanical trades which are regulated by the state; and~~
- (3) ~~The term "general contractor residential" shall not apply to any person performing work on any building, structure, or property where a preemptive state or federal law prevents the city from requiring licensing.~~
- (b) ~~General contractor commercial shall be defined as IBC 2015 Section 101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.~~
- (1) ~~Detached one and two family dwellings and multiple single family dwellings (town houses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the IRC.~~
- (2) ~~General contractor commercial shall be registered with the city. General contractor commercial local registration shall expire December 31st of each year except for the following:~~
- a. ~~The term "general contractor commercial" shall not apply to specific trades such as foundation and flatwork, framing, cabinetry, painting, roofing, and paving as long as such work is performed under subcontract to a registered general contractor;~~
- b. ~~The term "general contractor commercial" shall not apply to the trade of electricians who are registered separately under city ordinances, nor to plumbing and mechanical trades which are regulated by the state; and~~
- c. ~~The term "general contractor commercial" shall not apply to any person performing work on any building, structure, or property where a preemptive state or federal law prevents the city from requiring registration.~~
- (c) ~~Contractor limited defined; scope of work.~~
- (1) ~~The term "contractor limited" or "limited contractor" shall mean a person who is not a general contractor and who is engaged in the business of working on, or causing to be worked on, or accepting orders or contracts for work on any building, structure, or property, whether compensated or not compensated, except for the following:~~
- a. ~~The term "limited contractor" shall not apply to specific trades such as foundation and flatwork, framing, cabinetry, painting, roofing, and paving as long as such work is performed under subcontract to a registered general contractor;~~
- b. ~~The term "limited contractor" shall not apply to the trade of electricians who are licensed separately under city ordinances, nor to plumbing and mechanical trades which are regulated by the state; and~~
- c. ~~The term "limited contractor" shall not apply to any person performing work on any building, structure, or property where a preemptive state or federal law prevents the city from requiring licensing or permitting.~~
- (2) ~~A limited contractor is considered applicable to such trades as roofing, framing, paving, fencing, and other specialty crafts.~~
- (d) ~~Building permit required. No person, firm, corporation, or any other entity shall erect, construct, enlarge, alter, repair, modify, excavate, fill, or change any fence, sign, land, building, structure, or property in the city, nor cause such work to be done; nor shall any building or structure be moved, removed, converted, or demolished without first obtaining any necessary permit therefore from the building official and complying with all applicable requirements of the city.~~

~~In addition to a registered contractor, the designer or design professional that prepared the plans for the building for which a building permit is sought may submit a building permit application. Or, the property~~

owner may apply for the building permit. Such permit shall be issued only to a registered contractor or other person approved by the building official in accordance with this section who will construct the building.

~~(e) — Owner doing own work; permits required; compliance with applicable laws and requirements.~~

~~(1) — An owner of an existing single-family residence who permanently resides in that residence and who claims it as a homestead under the laws of the state may act as a limited or general contractor on his own residence without being registered. However, he must obtain all necessary permits, pay all required permit fees, and comply with all ordinances of the city as well as any other applicable state or federal laws.~~

~~(2) — A person who intends to build a single-family residence and permanently reside therein and claim it as a homestead under the laws of the state may act as a limited or general contractor on his own residence without being registered if approved by the building official. However, he must obtain all necessary permits, pay all required permit fees, and comply with all ordinances of the city as well as any other applicable state or federal laws.~~

~~(3) — No single-family resident homeowner will be issued a permit under the provisions of this section involving any structural, electrical, or plumbing work unless the building official is satisfied that the applicant can competently and safely perform the work.~~

~~(f) — Reserved.~~

~~(g) — Registration — Application generally. Every person desiring to engage in the business of general or limited contractor in the city shall obtain a city registration authorizing him to engage in such business. Individuals desiring such registration shall make application with the building official on the form, which may be obtained from the office of the building department of the city. The building official may, at his discretion, issue one permit for the initial work of any otherwise approved structure pending approval of the appropriate general or limited contractor's registration. Only individuals shall be so registered, and the registration is not transferable.~~

~~(h) — Insurance required. Before any person shall engage in the business of a general or limited contractor or be granted a registration to do so, he shall first provide the city proof of \$1,000,000.00 liability insurance for general contractor-commercial and \$300,000.00 for limited contractor and general contractor-residential.~~

~~(i) — Application for registration — Applicant who has had registration previously denied or revoked. An applicant for a general or limited contractor's registration who has been denied a registration or had a registration revoked by this city or another entity for any building or related trade must disclose that information to the building official at the time of application. Any conviction for a misdemeanor or felony, other than traffic citations, must also be disclosed. Failure to disclose such information will result in automatic disapproval of the application. If the registration is issued and such failure to disclose is discovered later, the registration will be revoked. Any additional legal remedies may also be pursued by the building official. Upon disclosure at the time of registration application, the building official will make a thorough investigation and weigh carefully all details available prior to approving registration.~~

~~(j) — Fee. Every applicant who shall make application for a general contractor's registration, as provided for in this article, shall pay a fee of \$200.00 upon submitting such application.~~

~~(k) — Issuance of registration. A contractor's registration will be issued by the building official only after receipt of the insurance required by subsection (h).~~

~~(l) — Term of registration. All registrations issued under the provisions of this article shall expire on December 31st, except the registrations identified under subsection (a).~~

~~(m) — Registration renewal; fee; requirements for renewal. A registration holder may renew his general contractor's registration any time during the period within December 1 and 30 calendar days after the date of its expiration by paying an annual renewal fee of \$100.00. Also, provided he has engaged in such business with a properly issued building permit and satisfactorily completed the work for which the permit was issued sometime within the preceding 24 months. A registration holder who has exceeded the allowed 60 days past expiration will be considered as a new applicant should he desire to reestablish his general contractor's registration.~~

~~(n) Procedure for denial, revocation, or suspension of registration or right to obtain permits. If the building official initiates a recommendation for denial, revocation, or suspension of a registration or of a right to obtain permits to work under an adopted code or ordinance of the city, the following procedure will apply:~~

~~(1) An applicant for registration or a registrant of the city shall have ten business days to request a review hearing to be held before the construction board of appeals as referenced in section 14-404. During the ten business-day period a current registrant shall not be allowed to obtain permits. If the applicant for registration or a registrant fails to request a hearing within ten business days the recommendation of the building official shall become final. If a registrant requests a hearing, any denial, revocation or suspension of registration or right to obtain permits shall be stayed pending the decision of the board. The board shall by majority vote affirm or reject the building official's recommendation.~~

~~(2) If the registrant is registered by the state, such as an electrical contractor, mechanical contractor or plumbing contractor, the process in subsection (1) of this section would apply.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-30. Requirements not covered by Code.~~

~~Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this chapter or the other technical codes, shall be determined by the building official. In addition, other requirements to implement, clarify or set procedures to accomplish the intent of this Code may be set in writing by the building official and may be posted electronically for public access.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-31. Construction work hours and/or noise.~~

~~(a) Construction work hours and/or noise means any construction or noise generated by construction activities, such as the operation of power equipment, machinery or tools, the use of air-powered or impact tools, hammers, saws, picks, shovels and other similar tools, and the loading, unloading, conveyance or assembly of construction materials, equipment, machinery or tools.~~

~~(b) It is unlawful for a person to start work and/or cause construction noise to be made between 9:00 p.m. and 6:00 a.m.~~

~~(c) It is unlawful for a person to whom a construction permit is issued by the city to cause or allow work to start and/or construction noise to be made in connection with the performance of work under the permit between 9:00 p.m. and 6:00 a.m.~~

~~Exceptions:~~

~~The building department understands that there may be times when work must occur outside of the permissible hours. If you have an emergency that includes any of the following, then the start work and/or noise regulations do not apply:~~

- ~~• Work made necessary to restore a property to a safe condition following a public calamity.~~
- ~~• Work to restore public utilities.~~
- ~~• Work required to protect persons or property from imminent exposure to danger.~~

There may be other situations that require work outside of permissible hours. For these situations, you must apply for a variance subject to approval by the building official. Application for variance must be in filed with the building department at least 48 hours in advance.

- (d) ~~A person who violates this section shall be guilty of a misdemeanor. Each and every day or portion thereof during which any violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than \$2,000.00 for each day and each offense upon conviction in a court of competent jurisdiction.~~

(Ord. No. 2015-35, § I, 7-13-15)

Sec. 14-32. ~~Erosion control.~~

- (a) ~~Definitions.~~ The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Below ground installations* means activity that causes excess sediment laden water, concrete sawing wash water, wash water or drilling mud pumped from an excavation or structure and shall be treated as sediment laden runoff for erosion control purposes.~~

~~*Building official* means the building official for the City of New Braunfels or his designee.~~

~~*Construction activities* means construction activities that require a building permit.~~

~~*Erosion control plan* means a site plan with necessary details, showing the property where land disturbing activity will take place and showing the locations and types of devices, procedures and practices to be used to control erosion and sedimentation.~~

~~*Final approval* means completion of a project, site or building in accordance with city requirements and ordinances. In the case of a building, a certificate of occupancy is issued.~~

~~*Land disturbing activity* means any activity, including but not limited to excavation, planting, tilling, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, storm water runoff or wind.~~

~~*Off-site borrow area* means a source of earth fill material used in the construction of embankments or other earth fill structures, that is located on another parcel of property other than where the principal construction is occurring.~~

~~*Off-site sedimentation* means deposit of soil material beyond the limits of the property undergoing land disturbing activity or in city streets, alleys or drainage facilities in an amount sufficient to constitute a threat to public safety and comfort.~~

~~*Off-site spoil area* means an area on another parcel of property, other than where the principal construction is occurring, where excess earth, rock or construction material is disposed of.~~

~~*Permanent erosion control devices* means devices or practices installed prior to final approval and maintained after final approval to prevent or minimize the erosion and deposit of soil materials. Such devices may include, but shall not be limited to, permanent seeding, sod, storm drain channels, channel linings, storm drain pipes, outlet velocity control structures and storm water detention structures.~~

~~*Permanent ground cover* means permanent vegetative cover on all bare soil areas of a property not covered by a permanent structure or landscaping improvements, including but not limited to, live sod, perennial grasses or other materials which lessen runoff and soil erosion on the property.~~

~~*Phased occupancy* means use or inhabitation of a single structure or other portion of a project as such structure or portion thereof is completed, but before the project as a whole is fully completed and finally approved by city.~~

~~*Related land area* includes the property where the principal land disturbing activity is taking place, all adjacent property, off-site borrow areas, off-site spoil areas, off-site properties necessary for required utility extensions, and off-site areas for required street improvements.~~

~~*Responsible party* means a business entity, franchised utility company, developer, property owner, contractor or holder of a building permit who is required to comply with the terms of this article.~~

~~*Staging area* means an on-site or off-site location used by a Contractor to store materials for a project, to assemble portions of equipment or structures, to store equipment or machinery, to park vehicles, or for other construction related uses.~~

~~*Stop work order* means the suspension of all city permits with no approvals or inspections of work for the site or project being performed.~~

~~*Temporary erosion control devices* means devices installed or practices implemented and maintained during land disturbing activities to prevent, minimize or control the erosion and deposit of soil materials.~~

~~(b) *Building permit.* When land disturbing activities are conducted on a lot for which a building permit must be issued, the responsible party shall comply with the following:~~

~~(1) *Erosion control plan.* Prior to approval of a building permit for a lot by the city, the contractor or other responsible party obtaining the building permit shall submit an erosion control plan for approval by the city. No inspection may be performed on a project until a city approved erosion control plan is implemented.~~

~~(2) *Stop work order/citation.* City shall inspect the erosion control devices located at a site for compliance with the approved erosion control plan submitted for such site. If a responsible party fails to implement or maintain erosion control devices as specified in his approved erosion control plan, city shall provide such party with written notice of noncompliance identifying the nature of such noncompliance. The responsible party shall have 24 hours to bring his erosion control devices into compliance with the approved erosion control plan for the site where the violation occurred. Correction shall include sediment clean-up, erosion control device repair, erosion control device maintenance, and/or installation of additional erosion control devices to prevent re-occurrence of the violation. The 24-hour cure period may be extended for inclement weather or other factors at the discretion of the building official.~~

~~At the end of the 24 hour cure period, city shall re-inspect the site and may assess a re-inspection fee. If at the time of such re-inspection, the erosion control devices at the site have not been brought into compliance with the approved erosion control plan, city may issue a stop work order and issue a citation for each violation of the city's erosion control requirements. When a stop work order has been issued, a re-inspection fee shall be assessed. To obtain a re-inspection for removal of the stop work order, a request must be submitted there for and a re-inspection fee, as set by the building inspection department of the city, shall be paid.~~

~~(3) *Removal of erosion control devices.* Upon final occupancy or upon establishing permanent ground cover on a lot, all temporary erosion control devices shall be removed.~~

~~(c) *Enforcement.*~~

~~(1) *Violations.* It shall be an offense for a responsible party or a third party performing work on a project to violate any of the requirements of this article, including, but not limited to, the following:~~

~~a. Conducting any land disturbing or construction activity without an approved erosion control plan for the location where the violation occurred.~~

~~b. Failing to install erosion control devices or to maintain erosion control devices throughout the duration of land disturbing activities, in compliance with the approved erosion control plan for the location where the violation occurred.~~

~~c. Failing to remove off-site sedimentation that is a direct result of land disturbing activities where such off-site sedimentation results from the failure to implement or maintain erosion~~

~~control devices as specified in an approved erosion control plan for the location where the violation occurred.~~

~~d. Allowing sediment laden water resulting from below ground installations to flow from a site without being treated through an erosion control device.~~

~~e. Failing to repair damage to existing erosion control devices, including replacement of existing grass or sod.~~

~~(2) *Notice of violation.* Written notice of violation shall be given to the responsible party or his job site representative as identified in the erosion control plan for a site. Such notice shall identify the nature of the alleged violation and the action required to obtain compliance with the approved erosion control plan.~~

~~(3) *Class C misdemeanor.* Any person, firm, or corporation violating any of the provisions or terms of this article shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, be subject to a fine not exceeding \$500.00 for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.~~

~~(d) *Appeals.*~~

~~(1) *Appeal to building official.* Upon notice of noncompliance, a responsible party may appeal the city's decision to take deductions from his erosion control deposit pursuant to section 14-96 of this article, by filing a written appeal to the building official within seven days of city's written notice of its intent to make such deduction for costs as allowed herein. An appeal filed pursuant to this section shall specifically state the basis for the aggrieved party's challenge to the city's authority to take deductions under this article.~~

~~(2) *Standard for appeals.* When reviewing an appeal filed pursuant to this section, the building official shall evaluate all evidence submitted. The burden of proving that a violation of this article occurred shall be on the city. The city shall provide evidence sufficient to reasonably support a determination that the responsible party failed to comply with the requirements of this article as alleged by the city.~~

~~(3) *Issuance of opinion by director.* Decisions of the building official shall be issued within 20 days of city's receipt of the written appeal. Decisions of the building official shall be final.~~

GLOSSARY

- ~~• **BARREL**—A pipe placed through a dam, levee or dike to control the release of water.~~
- ~~• **BMP**—Best Management Practices. Consist of practices, procedures, and devices used to prevent or reduce pollutants, including sediment, from polluting the waters of the United States.~~
- ~~• **BORROW AREA**—A source of earth fill material used in the construction of embankments or other earth fill structures.~~
- ~~• **CHANNEL**—A natural stream or excavated ditch that conveys water.~~
- ~~• **CHANNELIZATION**—Alteration of a stream channel by widening, deepening, straightening, or paving certain areas to improve flow characteristics.~~
- ~~• **CHECK DAM**—A small, temporary dam constructed across a drainage ditch, swale or channel to lower the speed of concentrated flows and promote sediment deposition.~~

- ~~CONTOUR~~—An imaginary line on the surface of the earth connecting points of the same elevation.
- ~~CUT~~—Portion of land surface or area from which earth has been removed or will be removed by excavating; the depth below the original ground surface to the excavated ground surface.
- ~~DAM~~—A barrier to confine or impound water or for the retention of soil, sediment or debris.
- ~~DESIGN STORM~~—A selected rainfall pattern of specified amount, intensity, duration, and frequency that is used as a basis for design.
- ~~DISCHARGE~~—Usually the rate of water flow commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.
- ~~DIVERSION~~—A channel with a supporting ridge on the lower side constructed at the top, across, or at the bottom of a slope for the purpose of controlling surface runoff.
- ~~DIVERSION DIKE~~—A barrier built to divert surface runoff.
- ~~DIVIDE, DRAINAGE~~—The boundary between watersheds.
- ~~DRAINAGEWAY~~—A natural or artificial depression that carries surface water to a larger watercourse or outlet such as a river or lake.
- ~~DROP INLET~~—Overall structure in which the water drops through a vertical riser connected to a discharge conduit or storm sewer.
- ~~EARTH DAM~~—Dam constructed of compacted suitable soil materials.
- ~~ENERGY DISSIPATOR~~—A device used to reduce the energy of flowing water to prevent erosion.
- ~~EPA~~—The Environmental Protection Agency. The federal agency responsible for administering the NPDES permit program.
- ~~ERODIBILITY~~—Susceptibility to erosion.
- ~~EROSION~~—The wearing away of the land surface by water, wind, ice, gravity, or other geological agents.
- ~~EROSION CONTROL PLAN~~—A site plan with necessary details, showing the property where land disturbing activity will take place and showing the locations and types of BMPs to be used to control erosion and sedimentation.

- ~~FILTER FABRIC—A woven or non-woven, water permeable material generally made of synthetic products such as polypropylene and used in erosion and sediment control applications to trap sediment or prevent the movement of fine soil particles.~~
- ~~FLOOD PLAIN—The lowland that borders a stream and is subject to flooding when the stream overflows its banks.~~
- ~~GABION—A wire mesh cage, usually rectangular, filled with rock and used to protect channel banks and other sloping areas from erosion.~~
- ~~GEOTEXTILES—See filter fabric.~~
- ~~GRADE STABILIZATION STRUCTURE—A structure for the purpose of stabilizing the grade of a gully or other watercourse, thereby preventing further erosion or lowering of the channel bottom.~~
- ~~GRADING—The cutting and/or filling of the land surface to a desired slope or elevation.~~
- ~~GRASSED WATERWAY—A natural or constructed waterway, usually broad and shallow, covered with erosion resistant grasses and used to safely conduct surface water from an area.~~
- ~~GROUND COVER—Low growing, spreading plants (grasses or legumes) useful for low-maintenance landscape areas.~~
- ~~INVERT—The inside bottom of a culvert or other conduit.~~
- ~~LEGUME—Any member of the pea or pulse family which includes peas, beans, peanuts, clovers, alfalfa, sweet clovers, lespedezas, vetches, black locust, and kudzu.~~
- ~~NPDES—National Pollutant Discharge Elimination System. A federal program that requires a permit for storm water discharges to the waters of the U.S.~~
- ~~OUTLET PROTECTION—Stone, rip rap, concrete or asphalt aprons installed to reduce the speed of concentrated storm water flows, thereby reducing erosion and scouring at storm water outlets.~~
- ~~RAINFALL INTENSITY—The rate at which rain is falling at any given instant, usually expressed in inches per hour.~~
- ~~RATIONAL METHOD—A means of computing storm drainage flow rates by use of the formula $Q = CiA$, where C is a coefficient describing the physical drainage area, i is the rainfall intensity, and A is the drainage area.~~
- ~~RECEIVING STREAM—The body of water into which runoff or effluent is discharged.~~

- ~~RILL~~—A small intermittent watercourse with steep sides, usually only a few inches deep, normally caused by erosion.
- ~~RISER~~—A vertical pipe or structure extending from the barrel, storm sewer or bottom of a pond BMP that is used to convey the discharge from the pond or drainage area.
- ~~RUNOFF~~—That portion of precipitation that flows from a drainage area on the land surface, in open channels or in storm water conveyance systems.
- ~~SCOUR~~—The clearing and digging action of flowing water, especially the downward erosion caused by stream water in sweeping away mud and silt from the stream bed.
- ~~SEDIMENT~~—Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice.
- ~~SEDIMENT BASIN~~—A settling pond with a controlled storm water release structure used to collect and store sediment produced by land disturbing activities. The basin detains sediment-laden runoff from larger drainage areas long enough to allow most of the sediment to settle out.
- ~~SEDIMENT POOL~~—The reservoir space allocated for the accumulation of sediment in a sedimentation control device.
- ~~SEDIMENT TRAP~~—A settling basin with a filter outlet designed to retain runoff long enough to allow most of the silt to settle out.
- ~~SEDIMENTATION~~—The deposition of suspended soil particles that have settled out from storm water runoff.
- ~~SHEETFLOW~~—Runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel or a rill.
- ~~SILT~~—Parts of the soil structure consisting of particles between 0.002 and 0.05 mm in diameter.
- ~~SLOPE~~—Degree of deviation of a surface from the horizontal. Slope is measured and is shown as a numerical ratio or percent.
- ~~SOIL~~—The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.
- ~~STABILIZATION~~—The proper placing, grading and/or covering of soil, rock or earth to ensure its resistance to erosion, sliding, or other movement. Also see ~~Vegetative Stabilization~~.
- ~~STORM FREQUENCY~~—The time interval between major storms of predetermined intensity and volumes of runoff (e.g. ten-year or 100-year storm).

- ~~STORM SEWER (DRAIN)—A sewer that carries storm water, surface drainage, street wash and other wash waters, but excludes sewage and industrial wastes. Also called a storm drain.~~
- ~~STORM WATER—Runoff from a rain event or snow melt runoff. Also called surface runoff.~~
- ~~SWALE—An elongated, gentle depression in the land surface that conveys storm water into primary drainage channels. Swales are normally without flowing or standing water.~~
- ~~SWPPP—Storm Water Pollution Prevention Plan. A document that is a part of the NPDES permit application and consists of the site erosion control plan, waste management plan, and site narrative as required by the EPA.~~
- ~~TEMPORARY SEEDING—The growing of short-term (less than 1-year) vegetation on disturbed areas to prevent erosion.~~
- ~~TOE OF SLOPE—The base or bottom of a slope at the point where the ground surface abruptly changes to a significantly flatter grade.~~
- ~~TOPOGRAPHY—A general term that includes the physical features of a surface area including relative elevations and the position of natural and man-made features.~~
- ~~VEGETATIVE STABILIZATION—Protection of erodible areas with temporary seeding, permanent seeding, or sodding.~~
- ~~WATERSHED—The region drained by or contributing water to a stream, lake, or other body of water.~~

(Ord. No. 2015-35, § I, 7-13-15)

Sec. 14-33.—Irrigation systems.

- (a) ~~Scope.~~ This appendix [section] applies to the installation, alteration, repairs, relocation, replacement, addition to, use, or maintenance of irrigation systems within the city. This appendix [section] regulates the installation of backflow prevention devices, control valves, automatic irrigation controllers, control wiring, and water conservation required for the proper design, installation, and operation of irrigation systems. All irrigation systems must comply with the provisions of this appendix [section] and with Title 30, Texas Administrative Code, Chapter 344.
- (b) ~~Purpose.~~ The purpose of this appendix [section] is to require all irrigation systems to be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation.
- (c) ~~Definitions.~~ The following words and terms shall have the meanings shown herein.

Design means the act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

~~*Design pressure* means the pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.~~

~~*Emission device* means any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads and drip irrigation emitters.~~

~~*Employed* means engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems. A person is employed if that person is in an employer-employee relationship as defined by Internal Revenue Code, Title 26, United States Code Service, Section 3312(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.~~

~~*Head-to-head spacing* means the spacing of spray or rotary sprinkler heads equal to the manufacturer's published radius of the head.~~

~~*Hydraulics* means the science of dynamic and static water; the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.~~

~~*Inspector* means a licensed plumbing inspector, water district operator, other governmental entity, or irrigation inspector who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor.~~

~~*Installer* means a person who connects an irrigation system to a private or public raw or potable water supply system or any water supply, who is licensed according to Title 30, Texas Administrative Code, Chapter 30.~~

~~*Irrigation inspector* means a person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.~~

~~*Irrigation plan* means a scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.~~

~~*Irrigation services* means selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.~~

~~*Irrigation system* means an assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by V.T.C.A., Agricultural Code § 251.002.~~

~~*Irrigation technician* means a person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service, or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.~~

~~*Irrigation zone* means a subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope), and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.~~

~~*Irrigator* means a person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services, or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system, or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.~~

~~*Irrigator-in-charge* means the irrigator responsible for all irrigation work performed by an exempt business owner, including, but not limited to, obtaining permits, developing design plans, supervising the work of other irrigators or irrigation technicians, and installing, selling, maintaining, altering, repairing, or servicing a landscape irrigation system.~~

~~*Landscape irrigation* means the science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.~~

~~*License* means an occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30, to an individual that authorizes the individual to engage in an activity that is covered by Title 30, Texas Administrative Code, Chapter 30.~~

~~*Mainline* means a pipe within an irrigation system that delivers water from the water source to the individual zone valves.~~

~~*Maintenance checklist* means a document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to, checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.~~

~~*Major maintenance, alteration, repair, or service* means any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.~~

~~*Master valve* means a remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.~~

~~*Matched precipitation rate* means the condition in which all sprinkler heads within an irrigation zone apply water at the same rate.~~

~~*Pass-through contract* means a written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services relating to an irrigation system.~~

~~*Reclaimed water* means domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.~~

~~*Records of landscape irrigation activities* means the irrigation plans, contracts, warranty information, invoices, copies of permits, and other documents that relate to the installation, maintenance, alteration, repair, or service of a landscape irrigation system.~~

~~*Static water pressure* means the pressure of water when it is not moving.~~

~~*Supervision* means the on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2009, an irrigation technician who is working under the direction of a licensed irrigator to install, maintain, alter, repair, or service an irrigation system.~~

~~*Water conservation* means the design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.~~

~~*Zone flow* means a measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.~~

~~*Zone valve* means an automatic valve that controls a single zone of a landscape irrigation system.~~

~~(d) *License*. Any person who connects an irrigation system to the water supply in the city must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30, and V.T.C.A.,~~

~~Occupations Code ch. 1903, or as defined by Title 22 of the Texas Administrative Code, Chapter 365, and required by V.T.C.A., Occupations Code ch. 1301.~~

~~Exemption: A homeowner is not required to be licensed in accordance with V.T.C.A., Occupations Code tit. 12, § 1903.002(c)(1) if the homeowner is performing irrigation work in a building or on a premises owned and occupied by the homeowner as the homeowner's homestead. A homeowner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344, regarding spacing, water pressure, spraying water over impervious materials, rain and freeze sensors, backflow prevention and isolation valves.~~

~~(e) *Permit.* Any person or homeowner installing an irrigation system in the city is required to obtain a permit from the city. Any plan approved for a permit must be in compliance with the requirements of this appendix [section].~~

~~Exemptions:~~

~~(1) An irrigation system that is an on-site sewage disposal system, as defined by V.T.C.A., Health and Safety Code § 355.002; or~~

~~(2) An irrigation system used on or by an agricultural operation as defined by V.T.C.A., Agriculture Code § 251.002; or~~

~~(3) An irrigation system connected to a groundwater well used by the property owner for domestic use.~~

~~(f) *Backflow prevention methods and devices.*~~

~~(1) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (TCEQ). The backflow prevention device must be approved by: the American Society of Sanitary Engineers; the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; the International Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention device must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.~~

~~(2) If conditions that present a health hazard exist, one of the following methods must be used to prevent backflow:~~

~~a. An air gap may be used if:~~

~~1. There is an unobstructed physical separation; and~~

~~2. The distance from the lowest point of the water supply outlet to the flood rim of the fixture or assembly into which the outlet discharges is at least one inch or twice the diameter of the water supply outlet, whichever is greater.~~

~~b. Reduced pressure principle backflow prevention assemblies may be used if:~~

~~1. The device is installed at a minimum of 12 inches above ground in a location that will ensure that the assembly will not be submerged; and~~

~~2. Drainage is provided for any water that may be discharged through the assembly relief valve.~~

~~c. Pressure vacuum breakers may be used if:~~

~~1. No back-pressure condition will occur; and~~

~~2. The device is installed at a minimum of 12 inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler.~~

~~d. Atmospheric vacuum breakers may be used if:~~

1. ~~No back-pressure will be present;~~
 2. ~~There are no shutoff valves downstream from the atmospheric vacuum breaker;~~
 3. ~~The device is installed at a minimum of six inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler;~~
 4. ~~There is no continuous pressure on the supply side of the atmospheric vacuum breaker for more than 12 hours in any 24-hour period; and~~
 5. ~~A separate atmospheric vacuum breaker is installed on the discharge side of each irrigation control valve between the valve and all the emission devices that the valve controls.~~
- (3) ~~Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter.~~
- (4) ~~If there are no conditions that present a health hazard, double check valve backflow prevention assemblies may be used to prevent backflow if the device is tested upon installation and test cocks are used for testing only.~~
- (5) ~~If a double check valve is installed below ground:~~
- a. ~~Test cocks must be plugged, except when the double check valve is being tested;~~
 - b. ~~Test cock plugs must be threaded, water-tight, and made of non-ferrous material;~~
 - c. ~~A y-type strainer is installed on the inlet side of the double check valve;~~
 - d. ~~There must be a clearance between any fill material and the bottom of the double check valve to allow space for testing and repair; and~~
 - e. ~~There must be space on the side of the double check valve to test and repair the double check valve.~~
- (6) ~~If an existing irrigation system without a backflow prevention assembly requires major maintenance, alteration, repair, or service, the system must be connected to the potable water supply through an approved, properly installed backflow prevention method before any major maintenance, alteration, repair, or service is performed.~~
- (7) ~~If an irrigation system is connected to a potable water supply through a double check valve, pressure vacuum breaker, or reduced pressure principle backflow assembly and includes an automatic master valve on the system, the automatic master valve must be installed on the discharge side of the backflow prevention assembly.~~
- (8) ~~The irrigator shall ensure the backflow prevention device is tested by a licensed backflow prevention assembly tester prior to being placed in service and the test results provided to the local water purveyor and the irrigation system's owner or owner's representative within ten business days of testing of the backflow prevention device.~~
- (g) ~~*Specific conditions and cross-connection control.*~~
- (1) ~~Before any chemical is added to an irrigation system connected to the potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly or air gap.~~
 - (2) ~~Connection of any additional water source to an irrigation system that is connected to the potable water supply can only be done if the irrigation system is connected to the potable water supply through a reduced-pressure principle backflow prevention assembly or an air gap.~~
 - (3) ~~Irrigation system components with chemical additives induced by aspiration, injection, or emission system connected to any potable water supply must be connected through a reduced pressure principle backflow device.~~

- ~~(4) If an irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Title 30, Texas Administrative Code, Chapter 285, then:~~
- ~~a. All irrigation piping and valves must meet the separation distances from the on-site sewage facilities system as required for a private water line in Title 30, Texas Administrative Code, Section 285.91(10);~~
 - ~~b. Any connections using a private or public potable water source that is not the city's potable water system must be connected to the water source through a reduced pressure principle backflow prevention assembly as defined in Title 30, Texas Administrative Code, Section 344.50; and~~
 - ~~c. Any water from the irrigation system that is applied to the surface of the area utilized by the on-site sewage facility system must be controlled on a separate irrigation zone or zones so as to allow complete control of any irrigation to that area so that there will not be excess water that would prevent the on-site sewage facilities system from operating effectively.~~

~~(h) Irrigation plan design: Minimum standards.~~

- ~~(1) An irrigator shall prepare an irrigation plan for each site where a new irrigation system will be installed. A paper or electronic copy of the irrigation plan must be on the job site at all times during the installation of the irrigation system. A drawing showing the actual installation of the system is due to each irrigation system owner after all new irrigation system installations. During the installation of the irrigation system, variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:

 - ~~a. Diminish the operational integrity of the irrigation system;~~
 - ~~b. Violate any requirements of this appendix [section]; and~~
 - ~~c. Go unnoted in red on the irrigation plan.~~~~
- ~~(2) The irrigation plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the irrigation plan.~~
- ~~(3) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:

 - ~~a. The irrigator's seal, signature, and date of signing;~~
 - ~~b. All major physical features and the boundaries of the areas to be watered;~~
 - ~~c. A North arrow;~~
 - ~~d. A legend;~~
 - ~~e. The zone flow measurement for each zone;~~
 - ~~f. Location and type of each:

 - ~~1. Controller; and~~
 - ~~2. Sensor (i.e., rain and freeze);~~~~
 - ~~g. Location, type, and size of each:

 - ~~1. Water source, including, but not limited to, a water meter and point(s) of connection;~~
 - ~~2. Backflow prevention device;~~
 - ~~3. Water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;~~
 - ~~4. Valve, including but not limited to, zone valves, master valves, and isolation valves;~~
 - ~~5. Pressure regulation component; and~~
 - ~~6. Main line and lateral piping.~~~~~~

h.—The scale used; and

i.—The design pressure.

(i) ~~Design and installation: Minimum requirements.~~

- (1) ~~No irrigation design or installation shall require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.~~
- (2) ~~Spacing.~~
 - a. ~~The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure.~~
 - b. ~~New irrigation systems shall not utilize above-ground spray emission devices in landscapes that are less than 48 inches not including the impervious surfaces in either length or width and which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, including, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.~~
 - c. ~~Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.~~
- (3) ~~Water pressure. Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.~~
- (4) ~~Piping. Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride (PVC) pipe.~~
- (5) ~~Irrigation zones. Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.~~
- (6) ~~Matched precipitation rate. Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.~~
- (7) ~~Irrigation systems shall not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.~~
- (8) ~~Master valve. When provided, a master valve shall be installed on the discharge side of the backflow prevention device on all new installations.~~
- (9) ~~PVC pipe primer solvent. All new irrigation systems that are installed using PVC pipe and fittings shall be primed with a purple primer prior to applying the PVC cement in accordance with the International Plumbing Code, Section 605.~~
- (10) ~~Rain and freeze sensors.~~
 - a. ~~Any commercial, industrial, multi family, or residential customer class irrigation system installed within the city on or after January 1, 2009, must be equipped with rain and freeze sensors.~~
 - b. ~~Any commercial, industrial, or multi-family customer class irrigation system installed within the city before January 1, 2009, may not be operated after January 1, 2010, without being equipped with rain and freeze sensors~~

- ~~c. Any residential customer class irrigation system installed within the city before January 1, 2009, may not be operated after January 1, 2011, without being equipped with rain and freeze sensors. If a person repairs or replaces more than 50 percent of a residential customer class irrigation system before January 1, 2011, then such irrigation system must be equipped with rain and freeze sensors.~~
- ~~d. Any rain and freeze sensor shall be installed according to the manufacturer's published recommendation and shall be from a list approved by the building official.~~
- ~~e. Repairs to existing automatic irrigation systems that require replacement of an existing controller shall include a rain and freeze sensor designed to inhibit or interrupt operation of the irrigation system during periods of freezing temperatures and rainfall.~~
- ~~(11) Isolation valve. All new irrigation systems must include a lockable isolation valve between the water meter and the backflow prevention device.~~
- ~~(12) Depth coverage of piping. Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.~~
 - ~~a. If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the irrigation system owner or owner's representative to address any safety issues.~~
 - ~~b. If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two inches of select backfill between the top of the pipe and the natural grade of the topsoil.~~
 - ~~c. All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.~~
- ~~(13) Wiring irrigation systems.~~
 - ~~a. Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.~~
 - ~~b. Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.~~
 - ~~c. Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.~~
 - ~~d. Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six inches of select backfill.~~
- ~~(14) Water contained within the piping of an irrigation system is deemed to be non-potable. No drinking or domestic water usage, including, but not limited to, filling swimming pools or decorative fountains, shall be connected to an irrigation system. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box, and the hose bib and any hoses connected to the bib must be labeled "non-potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.~~
- ~~(15) Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician shall be on-site at all times while the landscape irrigation system is being installed. When an irrigator is~~

~~not on-site, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.~~

~~(j) *Completion of irrigation system installation.* Upon completion of the irrigation system, the irrigator or irrigation technician who provided supervision for the on-site installation shall be required to complete four items:~~

~~(1) A final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system.~~

~~(2) The maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation system's owner or owner's representative and shall sign, date, and seal the checklist. If the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation system's owner or owner's representative's signature line. The irrigation system owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the irrigator. The items on the maintenance checklist shall include, but are not limited to:~~

~~a. The manufacturer's manual for the automatic controller, if the system is automatic;~~

~~b. A seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;~~

~~c. A list of components, such as the nozzle, pump filters, and other such components, that require maintenance and the recommended frequency for the service; and~~

~~d. The statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."~~

~~(3) A permanent sticker which contains the irrigator's name, license number, company name, telephone number, and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink.~~

~~(4) The irrigation plan indicating the actual installation of the system must be provided to the irrigation system's owner or owner representative.~~

~~(k) *Maintenance, alteration, repair, or service of irrigation systems.*~~

~~(1) The licensed irrigator is responsible for all work that the irrigator performed during the maintenance, alteration, repair, or service of an irrigation system during the warranty period. The irrigator or business owner is not responsible for the professional negligence of any other irrigator who subsequently conducts any irrigation service on the same irrigation system.~~

~~(2) All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be returned to the original grade with compacted select backfill.~~

~~(3) Purple PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, or service of an irrigation system in accordance with the International Plumbing Code, Section 605.~~

~~(4) When maintenance, alteration, repair, or service of an irrigation system involves excavation work at the water meter or backflow prevention device, a lockable isolation valve shall be installed, if an isolation valve is not present.~~

~~(l) *Reclaimed water.* Reclaimed water may be utilized in landscape irrigation systems if:~~

~~(1) There is no direct contact with edible crops, unless the crop is pasteurized before consumption;~~

- ~~(2) The irrigation system does not spray water across property lines that do not belong to the irrigation system's owner;~~
- ~~(3) The irrigation system is installed using purple components;~~
- ~~(4) The domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device, in accordance with Title 30, Texas Administrative Code, Section 290.47(i);~~
- ~~(5) A minimum of an eight-inch by eight-inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER — DO NOT DRINK" and "AGUA DE RECUPERACION — NO BEBER"; and~~
- ~~(6) Backflow prevention on the reclaimed water supply line shall be in accordance with city ordinances.~~

~~(m) Lawn and landscape irrigation restrictions.~~

- ~~(1) A person commits an offense if the person knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

 - ~~a. A substantial amount of water to fall upon impervious areas instead of a lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or~~
 - ~~b. An irrigation system or other lawn or landscape watering device to operate during any form of precipitation.~~~~
- ~~(2) A person commits an offense if, on premises owned, leased, or managed by that person, the person operates an irrigation system or other lawn or landscape watering device that:

 - ~~a. Has any broken or missing sprinkler head; or~~
 - ~~b. Has not been properly maintained in a manner that prevents the waste of water.~~~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Secs. 14-34—14-50. Reserved.~~

~~ARTICLE III. — ELECTRICAL CODE^[2]~~

Footnotes:

~~—(2)—~~

~~**Cross reference**—Businesses, ch. 18.~~

~~Sec. 14-51. —Electrical code.~~

~~The National Electrical Code 2014 is hereby adopted as the electrical code of the city, except:~~

- ~~(1) Section 80-35, Effective Date, is not adopted.~~
- ~~(2) Section 80.15, Electrical Board of the National Electrical Code, is deleted.~~
- ~~(3) That paragraph 80.23(B)(3) of the 2014 National Electrical Code is deleted.~~

~~(Ord. No. 2015-35, § I, 7-13-15; Ord. No. 2018-21, § 5, 3-26-18)~~

~~Sec. 14-52. Scope of article.~~

~~The provisions of this article shall apply to all electrical wiring and equipment installed, used or maintained in the city, except the electrical work, wiring or equipment used in the generation, distribution and rendition of service to the public which is installed by or for and owned or maintained by a public utility, telephone, telegraph or district messenger company permitted to operate in the city, and the registration fees and liability insurance provided for in this article shall not apply to such companies and their employees in the performance of such work, but the wiring and installations for light, heat and power equipment of such companies which are installed for their own use as office, warehouse or repair facilities shall be done under permit according to the requirements of this article.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-53. Maintenance.~~

- ~~(a) The electrical service and wiring of all buildings and structures, both existing and new, shall be maintained in a safe and operating condition unless electrical service is completely removed from such building or structure.~~
- ~~(b) Electrical wiring for which the owner no longer has use, need or desire for and therefore disconnects from its electrical source shall be completely removed from the building or structure unless electrical service to such structure is completely removed.~~
- ~~(c) The owner, or his designated agent, shall be responsible for the electrical maintenance of buildings or structures.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-54. Administration and enforcement generally.~~

~~The building official is designated as the city officer responsible for enforcing the requirements of this article and is the administrative authority. He and/or members of his department shall serve as electrical inspectors when enforcing the provisions of this article.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-55. Conflicts of interest; restrictions on providing initial electrical service.~~

- ~~(a) No person employed by the building department of this city shall be financially interested in the furnishing of labor, material or appliances for use in any manner in the electrical installation of a building or structure unless such person is otherwise eligible under the property and homeowner exception as set forth in section 14-62.~~
- ~~(b) Utility providers shall not provide initial electrical service to any building or structure unless such utility has been furnished a certificate of occupancy or release as required by the city for such building or structure that corresponds to the intended use of the building. Temporary electrical service may be provided to such building or structure for a period not exceeding 180 days after the utility provider has been furnished a certificate of inspection or temporary certificate of occupancy. When temporary service has been provided for the purpose of construction, the period of service may be extended by the building official. Each of the certificates referred to in this section will be issued as appropriate by the building official upon completion of the required inspections.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-56.— Electrical inspector, powers and duties.~~

- ~~(a) *Right of entry.* The building official and/or his department and personnel when serving as electrical inspectors in enforcement of this article may enter any building, structure, portion thereof, or premises during reasonable hours to perform any duty imposed upon him by this article.~~
- ~~(b) *Issuance of permits; supervision of work.* The building official shall cause to be issued for each job requiring any type of electrical work a permit, shall see that the fees (see section 14-66) set out in this article are properly paid, and that all work done under such permits are accomplished in accordance with this article under the direct supervision of persons registered under the provisions of this article.~~
- ~~(c) *Stop work orders.* Upon notice from the building official that electrical work on any building or structure is being done contrary to the provisions of this article or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the stop work order shall be given verbally with written notice following within two working days.~~
- ~~(d) *Revocation of permits.* The building official may revoke a permit or approval issued under the provisions of this article if there has been any false statement, misunderstanding or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.~~
- ~~(e) *Electrically unsafe buildings.* All buildings or structures which in the opinion of the electrical inspector are electrically unsafe so as to create a hazard to life or constitute a fire hazard or are otherwise dangerous to life or property are hereby declared illegal and shall have the electrical power removed or disconnected and then shall be abated by repair, rehabilitation or demolition in accordance with condemnation procedures as established by the codes as adopted by this city.~~
- ~~(f) *Requirements not covered by this article.* Any requirement necessary for the electrical safety to life and property not specifically covered by this article shall be determined by the building official subject to appeal to the electrical appeals board.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-57.— Electrical contractor registration.~~

~~It shall be unlawful for any corporation, partnership, association, or individual to engage in the business of installing, altering or changing of any electrical wiring and apparatus within any building in the city that does not have a valid, unexpired electrical contractor's registration from the city. The registration must be issued in the name of the individual who met the requirements of this article. Nothing contained in this article shall be construed to prevent a property owner from doing electrical work in a building owned by him to be occupied by him as a dwelling or home of a two-family dwelling or single-family dwelling type; provided, that the property owner must actually perform the work and that no person other than the actual owner shall do any part of the work unless such persons possess a electrical contractor's registration in full compliance with all provisions of this article, and further provided, that all work performed and material used meets the requirements of this article and the city electrical inspector's approval.~~

- ~~(1) An applicant for any electrical registration shall make application to the building division on the form provided by the city. All questions on such form must be completely and truthfully answered upon submission of the application in order to receive favorable consideration for registration issuance.~~
- ~~(2) Electrical contractor's registration. The applicant must show proof of state registration~~
- ~~(3) Liability insurance required. Before any person shall be issued an electrical contractor's registration, retain such registration or engage in the business of electrical work in the city, he shall first provide proof of \$300,000.00 liability insurance, conditioned that the person engaged in the electrical business will faithfully observe all the laws pertaining to electric installation and maintenance, and further, that the city shall be indemnified and saved harmless from all claims~~

~~arising from accidents and damage of any character whatsoever caused by the negligence of such person engaged in the electric business, or by any other unfaithful or inadequate work done either by the person or his agents or employees.~~

- ~~(4) Upon acceptance of the proof of insurance required under subsection (3) of this section by the city, the individual, firm or corporation desiring to do such work shall secure from the building division of the city an electrical contractor's registration, which shall not be transferable. In the event of the dissolution of any company or partnership holding such registration, the member in whose name the registration was issued and who retains such registration shall be required to renew the certificate of insurance provided for in this section before doing any such work provided for in this article. The person obtaining an electrical contractor's registration shall pay to the city the sum of \$200.00 for the first year and \$75.00 as an annual renewal fee for such registration. Every registered electrical contractor shall have his city registration in his possession when performing or supervising electrical work.~~
- ~~(5) Master electrician's registration. The applicant must show proof of state registration. No insurance is required of a master electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every master electrician shall have his city registration in his possession when performing or supervising electrical work. A properly registered master electrician is considered qualified to provide immediate permitted job-site supervision of electrical installations, provided that he is under the general, which may include permitted job-site supervision by the electrical contractor who holds the permit issued in accordance with this article.~~
- ~~(6) Journeyman electrician's registration. The applicant must show proof of state registration. No insurance is required of a journeyman electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every journeyman electrician shall have his city registration in his possession when performing or supervising electrical work. A properly registered journeyman electrician is considered qualified to provide immediate permitted job-site supervision of electrical installations, provided that he is under the general, which may include permitted job-site supervision by the electrical contractor who holds the permit issued in accordance with this article.~~
- ~~(7) Wireman electrician's registration. The applicant must show proof of state registration. No insurance is required of a wireman electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every wireman electrician shall have his city registration in his possession when performing electrical work. A wireman electrician may supervise no more than one apprentice electrician at the permitted job-site location, and is limited to single-family and duplex residences only.~~
- ~~(8) Maintenance electrician's registration. The applicant must show proof of state registration. No insurance is required of a maintenance electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every maintenance electrician shall have his city registration in his possession when performing electrical work. A maintenance electrician shall perform his duties only for the company for which he is employed.~~
- ~~(9) Sign electrician's registration. The applicant must show proof of state registration. No insurance is required of a sign electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every sign electrician shall have his city registration in his possession when performing electrical work. A sign electrician shall perform his duties under the direct, permitted job-site supervision of a journeyman or electrical contractor who holds a valid city registration.~~
- ~~(10) Apprentice electrician. An electrical contractor may employ a person as an apprentice electrician and such person shall be identified by the issuance of an apprentice electrician's~~

~~registration by the city. Every apprentice shall have his city registration in his possession when performing electrical work. An apprentice electrician shall perform his duties under the direct, permitted job-site supervision of a wireman, journeyman or electrical contractor, who holds a valid city registration.~~

- ~~(11) All registrations issued under the provisions of this article shall expire on June 30th of each year, unless sooner revoked.~~
- ~~(12) Any holder of an expired registration issued under the provisions of this article may renew such registration within 30 days of its expiration by paying the annual renewal fee for such registration. A holder of a registration issued under the provisions of this article, which has expired in excess of 30 days, shall be considered as a new applicant.~~
- ~~(13) Any person who has applied for an electrician's registration and who has been refused such registration by the administrative authority of this article may apply to the construction board of appeals for a full hearing.~~

~~(Ord. No. 2015-35, § I, 7-13-15; Ord. No. 2018-21, § 5, 3-26-18)~~

Editor's note — ~~Ord. No. 2018-21, § 5, adopted March 26, 2018, changed the title of section 14-57 from "Registration and bond generally" to "Electrical contractor registration."~~

~~Sec. 14-58. Reserved.~~

~~Sec. 14-59. Work standards.~~

- ~~(a) *New residential construction.* New residential construction shall be electrically wired to conform to the National Electrical Code, currently adopted edition.~~
- ~~(b) *New commercial construction.* Electrical conductors shall be installed in conduit and will meet the requirements of the National Electrical Code, currently adopted edition.~~

~~*Exception:* Any multi-family construction three stories or less shall not apply but shall meet the requirements of the National Electrical Code, currently adopted edition.~~

~~(c) *Existing buildings.*~~

- ~~(1) If an existing unsafe condition is discovered by the electrical inspector that, in the opinion of the inspector, requires immediate correction, he will issue verbal and written instructions to the property owner requiring such corrections as needed and/or proceed in accordance with subsection 14-56(c).~~
- ~~(2) If an existing building is condemned for any reason under the provisions of the adopted building code, the electrical wiring within that building and/or premises shall be required to be upgraded to new construction standards before electrical power is restored.~~
- ~~(3) Should the electrical meter loop be judged inadequate or substandard by the utility company providing electrical service and the building official agrees that meter loop shall be required to be updated to the utility connection policy standards. Electrical power once severed will only be reestablished when that meter loop installation meets city standards.~~

~~(d) *Reference standards for construction.*~~

- ~~(1) Meter loop installation must comply with city utility connection policy.~~
- ~~(2) No residential branch circuit shall have more than ten outlets.~~
- ~~(3) Equipment ground shall be installed in all conduit and cable systems.~~
- ~~(4) In any R or I type occupancy, any room constructed with a door, closet, window and can be utilized as a sleeping area shall be classified as a bedroom.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-60. Reserved.~~

~~Sec. 14-61. Permits, fees and inspections.~~

- ~~(a) The holder of an electrical contractor's registration issued by this city desiring to perform or have his employees perform any electrical installation, repair or alteration or extension of any existing electrical system shall apply to the building department for a permit to perform such work.~~
- ~~(b) The holder of an electrical contractor's registration may designate in writing to the building official one employee whom he authorizes to sign a permit application in his place. Such authorization shall in no way alter or relieve the master electrician from any responsibility or legal liability of complying with this article nor from the responsibility for safe and satisfactory performance of any such work done under authority of a permit signed by such employee.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-62. Violations; record of permits and inspections; penalty.~~

- ~~(a) No corporation, partnership, association or individual shall cause or allow any electric wiring or apparatus to be installed, altered or changed in any building within the city unless the corporation, partnership, association or individual doing all of such work has been registered under the provisions of this article and has received a permit or authority under the provisions of this article to do that particular electric wiring and apparatus work.~~
- ~~(b) No corporation, copartnership, association or individual or agent thereof shall interfere with the electrical inspector or any persons deputized to assist him as provided in this article when in the performance of duty, and each such interference shall be deemed to constitute a separate offense within the intent and meaning of this article.~~
- ~~(c) The building official shall cause to be kept a record of permits issued, inspections made, or other official work performed as required by this article.~~
- ~~(d) In case of a violation of any of the terms or provisions of this article by any person, corporation or firm, the officers and agents actively in charge of the business of such corporation or firm or the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this Code.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-63. Savings clause.~~

~~The terms of this article shall not be construed to operate against or upon any contract or contracts for the installation, alteration or changes in electrical wiring or apparatus which may have been entered into under the existing ordinances, if the performance of the work under such contract or contracts has been undertaken and is unfinished at the time of the taking effect of this article.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Secs. 14-64—14-90. Reserved.~~

Editor's note—Ord. No. 2018-21, § 5, adopted March 26, 2018, repealed the former section 14-64 in its entirety, which pertained to electrical fees and derived from Ord. No. 2015-35, § I,

adopted July 13, 2015.

—For current provisions pertaining to electrical fees, the user's attention is directed to appendix D of this Code.

ARTICLE IV. PLUMBING CODE⁽³⁾

Footnotes:

~~—(3)—~~

~~**Cross reference**—Businesses, ch. 18; health and sanitation, ch. 62; wastewater from tourist courts, § 62-232; streets, sidewalks and other public places, ch. 114; utilities, ch. 130; water service, § 130-121 et seq.; sewer service, § 130-231 et seq.~~

~~**State Law reference**—Plumbing License Law, Vernon's Ann. Civ. St. art. 6243-101.~~

~~Sec. 14-91. Plumbing code.~~

~~(a) The International Plumbing Code 2015 is hereby adopted as the plumbing code of the city except as stated in the following:~~

~~(b) (1) Section 410.1: Drinking Fountains. Delete the last sentence and replace with the following:~~

~~Deleted Sentence:~~

~~"In other occupancies, where drinking fountains are required, water coolers or bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required drinking fountains."~~

~~Replacement:~~

~~"In other occupancies, where drinking fountains are required, bottle water dispensers or water coolers shall be permitted as a substitution; in occupancies with an occupant load of not more than 15 and mercantile occupancies with an occupant load of not more than 30."~~

~~(2) Appendix A, Fee Schedule, paragraph 106.6 Fees, Section 109 Means of Appeal, paragraph 108.4 Violation penalties are not adopted.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-92. Registration and insurance; quality of work.~~

~~(a) *Registration and insurance required.* Before any person shall engage in the plumbing business, he shall be registered with the building official and otherwise qualified as set forth in this section and as provided by state law. Where any plumbing work is being done, a registered master or journeyman plumber shall at all times be present on the job and in direct control and in charge of the work being done.~~

~~(b) *Revocation of license.* Although licensed by the state board of plumbing examiners, the building official may, after a hearing as provided in this section, revoke the city plumbing registration to the extent that such person is no longer authorized to perform plumbing work or receive plumbing permits in the city. Such registration revocation may be reported to the state board of plumbing examiners along with the grounds for such registration revocation.~~

- (c) ~~Quality of work.~~ Any person engaged in the plumbing business whose work does not conform to the rules and regulations set out in this article, or whose workmanship or materials are of inferior quality, shall on notice from the building official make necessary changes or corrections at once so as to conform to this article. If work has not been so changed after ten days' notice from the building official, the building official may then refuse to issue any more permits to such person until such work has fully complied with the rules and regulations of this article. The building official may revoke or suspend city registration because of continuous violations. When the revocation or suspension of any such registration is to be considered at any meeting, the person to whom the registration has been issued shall have at least three days' notice in writing of the time and place of such meeting, together with a statement of the grounds upon which it is proposed to revoke such registration.
- (d) ~~Insurance certificate required.~~ Before any person shall engage in the business of plumbing, he shall first obtain the proper registration, and deposit with the city good and sufficient proof of a certificate of insurance in the amount of \$300,000.00 with the certificate holder being the city.
- (e) ~~Allowing one's name, license or bond to be used to obtain permit fraudulently.~~ No person engaged in the business of plumbing shall allow his name to be used by any other person, directly or indirectly, to obtain a permit, or for the construction of any work under his name, registration or insurance; nor shall such person make any misrepresentations or omissions in his returns.
- (f) ~~Hearings.~~ Any person who has applied for a plumber's registration and who has been refused such registration by the building official may apply to the construction board of appeals for a full hearing.

(Ord. No. 2015-35, § I, 7-13-15)

Cross reference — Businesses, ch. 18.

State Law reference — Plumbing License Law, Vernon's Ann. Civ. St. art. 6243-101.

Secs. 14-93—14-95. — Reserved.

Editor's note — Ord. No. 2018-21, § 5, adopted March 26, 2018, repealed the former section 14-94 in its entirety, which pertained to plumbing fees and derived from Ord. No. 2015-35, § I, adopted July 13, 2015.

— For current provisions pertaining to plumbing fees, the user's attention is directed to appendix D of this Code.

Sec. 14-96. — Violations and penalties.

- (a) Any person or agent who shall violate a provision of this article or fail to comply therewith or with any of the provisions thereof, or violate a detail, statement or plan submitted and approved there under, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction in the court of jurisdiction for any such violation, such person shall be punished by a fine of not more than \$2,000.00.
- (b) The building official shall have the authority to require, where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be \$200.00 or double the original permit fee per occurrence as determined by the building official, but the payment of such fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

(Ord. No. 2015-35, § I, 7-13-15; Ord. No. 2018-21, § 5, 3-26-18)

~~Secs. 14-97—14-115. Reserved.~~

~~ARTICLE V. MECHANICAL CODE~~

~~Sec. 14-116. Mechanical code.~~

- ~~(a) The International Mechanical Code 2015 and all its appendices are hereby adopted as the Mechanical Code of the city, except as stated in the following:~~
- ~~(b) Appendix B, Recommended Permit Fee Schedule, paragraph 106.5 Fees, paragraph 108.4 Violation penalties, and Section 109 Means of Appeal are not adopted.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-117. Administration and enforcement generally.~~

~~The building official is designated as the city officer responsible for enforcing the requirements of this code and is the administrative authority. He and/or members of his department shall serve as mechanical inspectors when enforcing the provisions of this code.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-118. Registered and liability insured personnel to perform work.~~

- ~~(a) Any person doing any work within the scope of this code shall be registered as an air conditioning contractor by the state department of labor and standards, boiler division.~~
- ~~(b) Before any state registered air conditioning contractor may secure a mechanical permit from the city, he shall deposit with the city a good and sufficient liability insurance in the amount of \$2,000.00 conditioned that the contractor will faithfully observe all laws pertaining to air conditioning contractors and further that the city shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence or other failure of such person engaged in the business of a general contractor.~~
- ~~(c) An annual registration fee of \$100.00 shall be paid to the city by mechanical contractors and must show proof of licensing by the state department of licensing and regulations. Every registered mechanical contractor shall have his license in his possession when performing or supervising mechanical work and shall have his company name and license number affixed to each company vehicle.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Secs. 14-119—14-140. Reserved.~~

Editor's note—Ord. No. 2018-21, § 5, adopted March 26, 2018, repealed the former section 14-120 in its entirety, which pertained to mechanical fees and derived from Ord. No. 2015-35, § I, adopted July 13, 2015.

—For current provisions pertaining to mechanical fees, the user's attention is directed to appendix D of this Code.

~~ARTICLE VI. LIQUEFIED PETROLEUM GAS CODE⁴⁴~~

Footnotes:

~~(4)~~

~~**Cross reference**— Fire prevention and protection, ch. 54; streets, sidewalks and other public places, ch. 114; utilities, ch. 130.~~

~~**State Law reference**— Liquefied petroleum gas, V.T.C.A., Natural Resources Code § 113.001 et seq. Sec. 14-141. Short title.~~

~~This article shall be known as the "Liquefied Petroleum Gas Code" of the city, and may be cited as such.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-142. Definitions.~~

~~The following definitions, along with those contained in the specifications, rules and regulations adopted by this article, are provided for the purpose of interpretation and administration of this article:~~

~~*Certain appliances* means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters and boilers.~~

~~*Certificate of approval* means a document or tag issued and/or attached by the inspector to the inspected material, piping, or appliance installation, filled out, together with date, address of the premises, and signature of the inspector.~~

~~*Inspector* means the building official of the city.~~

~~*Liquefied petroleum gas company* means any person distributing liquefied petroleum gas within the corporation limits of the city, or authorized and proposing to so engage.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~**Cross reference**— Definitions generally, § 1-2.~~

~~**State Law reference**— Definitions, V.T.C.A., Natural Resources Code § 113.002.~~

~~Sec. 14-143. Compliance with article and other applicable regulations; Liquefied Petroleum Gas Docket No. 1 adopted.~~

~~All liquefied petroleum gas bulk storage facilities, wholesale and retail distribution facilities and consumer system piping and appliances installed, replaced, maintained, or repaired within the corporate limits of the city shall conform to the requirements of this article, the specifications, rules and regulations entitled "Liquefied Petroleum Gas Docket No. 1, Railroad Commission of Texas, L.P. Gas Division, September, 2001 Revision," the Standard Fire Prevention Code, chapter 54 of this Code of Ordinances, the zoning ordinance of the city, and all other applicable ordinances. The September 2001 revision of the Liquefied Petroleum Gas Docket No. 1 is hereby adopted by the city, incorporated by reference in this article and made a part of this article as fully as if set out at length herein, and copies of these regulations shall be kept on file in the office of the building official.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-144.— Conflicts between article and Liquefied Petroleum Gas Docket No. 1.~~

~~In the event of any conflict between this article and the Liquefied Petroleum Gas Docket No. 1, as adopted in section 14-143, the most restrictive requirements shall prevail.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-145.— Permit not to issue for new construction, additions, unless applicable ordinances are complied with.~~

~~No permit shall be issued for new construction unless such construction will be in compliance with all applicable ordinances. No permit shall be issued for an addition to an existing facility unless such existing facility and the addition thereto are in compliance with all applicable ordinances or unless such addition is required to make the existing facility comply with all applicable ordinances.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-146.— Conversion to liquefied petroleum gas.~~

~~Unless stated otherwise in this article, consumer's piping installed prior to April 9, 1973, or piping installed to supply natural gas may be converted to liquefied petroleum gas if the inspector finds, upon inspection and proper tests, that such piping will render reasonably satisfactory gas service to the consumer and will not in any way endanger life or property; otherwise, such piping shall be altered or replaced, in whole or in part, to conform with the requirements of this article.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-147.— Liability insurance and registration required; exception.~~

~~(a) No person other than a single-family homeowner working on his own permanent homestead residence shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances without first being registered according to requirements of the city and/or the state. A copy of a valid and current state registration must be provided to the city, as well as a good and sufficient surety liability insurance acceptable to the building official in the amount of \$2,000.00, such liability insurance to be valid for one year from the date of issuance, and to be renewed annually thereafter, so as to be in effect at all times the individual is registered. Until proof of registration and liability insurance is accepted by the building official, no permits will be issued by the city and no work shall be done that requires a permit under this article.~~

~~(b) Nothing contained in this article shall be construed as prohibiting an individual from installing or repairing his own appliances or installing, extending, replacing, altering, or repairing consumer's piping on his own premises, or as requiring a registration or liability insurance from an individual doing such work on his own premises; provided, however, that all such work must be done in conformity with all other provisions of this article, including those relating to permits, inspection, and fees, as long as the individual performing the work is the single-family homeowner working on his own permanent homestead residence.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

State Law reference— Licensing, V.T.C.A., Natural Resources Code § 113.081 et seq.

~~Sec. 14-148.— Administration and enforcement of article.~~

~~The building official of the city shall have the responsibility for the administration and enforcement of this article, and such official shall have all of the responsibilities of the office of gas inspector called for in this article and the specifications, rules and regulations adopted by this article.~~

~~(Ord. No. 2015 35, § I, 7 13 15)~~

~~**State Law reference**—Administrative provisions, V.T.C.A., Natural Resources Code § 113.011 et seq.~~

~~Sec. 14-149.—City's right of entry; authority of inspector to disconnect piping; notice of disconnection; duty of inspector to confer with various departments and agencies.~~

- ~~(a) The inspector is authorized and directed to enforce all of the provisions of this article, and the inspector, upon presentation of proper credentials, may enter any building or premises at reasonable times for the purpose of making inspections or preventing violations of this article.~~
- ~~(b) The inspector is authorized to disconnect any gas piping or fixture or appliance for which a certificate of approval is required but has not been issued with respect to such piping, fixture or appliance, or which, upon inspection, shall be found defective or in such condition as to endanger life or property. In all cases where such a disconnection is made, a notice shall be attached to the piping, fixture, or appliance disconnected by the inspector, which notice shall state that such piping, fixture or appliance has been disconnected by the inspector, together with the reason therefor, and it shall be unlawful for any person to remove such notice or reconnect such gas piping, fixture or appliance without authorization by the inspector, and such gas piping, fixture or appliance shall not be put in service or used until the inspector has attached his certificate of approval in lieu of his prior disconnection notice.~~
- ~~(c) It shall be the duty of the inspector to confer from time to time with representatives of the local health department, the local fire department, and the liquefied petroleum gas division, state railroad commission, and otherwise obtain from proper sources all helpful information and advice, presenting such information to the appropriate officials from time to time for their consideration.~~

~~(Ord. No. 2015 35, § I, 7 13 15)~~

~~Sec. 14-150.—Permit required; exception.~~

- ~~(a) No person shall install a gas conversion burner, floor furnace, central heating plant, vented wall furnace, water heater, boiler, consumer's gas piping, or convert existing piping to utilize natural gas without first obtaining a permit to do such work from the permit clerk of the city building official's office.~~
- ~~(b) The liquefied petroleum gas company shall not be required to obtain permits to set meters, or to extend, relocate, remove, or repair its service lines, or other facilities, or for work having to do with its own gas system.~~

~~(Ord. No. 2015 35, § I, 7 13 15)~~

~~Sec. 14 151.—Piping inspection.~~

- ~~(a) *Rough piping inspection.* A rough piping inspection shall be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been attached thereto.~~
- ~~(b) *Final piping inspection.* A final piping inspection shall be made after all piping authorized by the permit has been installed and after all portions thereof which are to be concealed, by plastering or otherwise, have been so concealed, and before any fixtures or gas appliances have been attached thereto. This~~

~~inspection shall include a pressure test, at which time the piping shall stand an air pressure equal to not less than the pressure of a column of mercury six inches in height, and the piping shall hold this air pressure for a period of at least ten minutes without any perceptible drop. A mercury column gauge shall be used for the test. All tools, apparatus, labor, and assistance necessary for the tests shall be furnished by the installer of such piping.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-152. -- Issuance of certificate of approval.~~

~~The inspector may issue a certificate of approval at the completion of the work for which a permit for consumer piping has been issued if after inspection it is found that such work complies with the provisions of this article. A duplicate of each certificate issued covering consumer's gas piping may be delivered to the liquefied petroleum gas company and used as its authority to render gas service.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-153. -- Inspection fees.~~

~~Inspection fees and reinspection fees shall be as outlined in appendix D of this Code.~~

~~(Ord. No. 2015-35, § I, 7-13-15; Ord. No. 2018-21, § 5, 3-26-18)~~

~~Sec. 14-154. -- Violation declared misdemeanor.~~

~~Any person, firm, corporation, agent, or entity that violates a provision of this chapter, or fails to comply therewith or with any of the provisions thereof; or violates a detail, statement, plan, or specification for a permit approved there under, shall be guilty of a misdemeanor. Each and every day or portion thereof during which any violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than \$2,000.00 for each day and each offense upon conviction in a court of competent jurisdiction.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-155. -- Nonliability of city.~~

~~This article shall not be construed as imposing upon the city or any of its officials or employees any liability or responsibility for damages to any person injured by any defect in any gas piping or appliance mentioned in this article, or by installation thereof, nor shall the city or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized under this article or the certificate of approval issued by the inspector.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Secs. 14-156 -- 14-175. -- Reserved.~~

~~ARTICLE VII. -- NATURAL GAS CODE~~⁶⁴

Footnotes:

~~(5)~~

~~**Cross reference**— Natural gas service, § 130-431 et seq.~~

~~**State Law reference**— Regulation of natural gas, V.T.C.A., Natural Resources Code ch. 86-
Sec. 14-176.— Fuel gas code.~~

- ~~(a) The International Fuel Gas Code 2015 and all its appendices are hereby adopted as the fuel gas code of the city, except as stated in the following.~~
- ~~(b) Paragraph 106.5 Fees, paragraph 108.4 Violation penalties, and Section 109 Means of Appeal are not adopted.~~
- ~~(c) Paragraph 108.5 Stop Work Orders is deleted and amended as follows:~~

~~108.5 Stop Work Orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to be cited and subject to a fine as determined by law and this chapter.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-177.— Definitions.~~

~~The following definitions, along with those contained in the specifications, rules and regulations adopted by this article, are provided for the purpose of interpretation and administration of this article:~~

~~*Certain appliances* means conversion burners, floor furnaces, central heating plants, vented wall furnaces, water heaters and boilers.~~

~~*Certificate of approval* means a document or tab issued and/or attached by the inspector to the inspected material, piping or appliance installation, filled out, together with date, address of the premises, and signed by the inspector.~~

~~*Gas company* means any person distributing gas within the corporate limits of the city, or authorized and proposed to so engage.~~

~~*Inspector* means the city building official referred to in this article.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~**Cross reference**— Definitions generally, § 1-2.~~

~~**State Law reference**— Definitions, V.T.C.A., Natural Resources Code § 86.002.~~

~~Sec. 14-177.5.— Registration and liability insurance generally.~~

~~No person other than a single-family homeowner working on his own permanent homestead residence shall engage in or work at the installation, extension, or alteration of consumer's gas piping or certain gas appliances without first being registered according to requirements of the city and/or the state. A copy of a valid and current state registration must be provided to the city, as well as a good and sufficient surety~~

liability insurance acceptable to the building official, such liability insurance to be valid for one year from the date of issuance, and to be renewed annually thereafter so as to be in effect at all times the individual is registered. Until proof of registration and liability insurance is accepted by the building official, no permits will be issued by the city and no work shall be done that requires a permit under this article.

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-177.6. — Reserved.~~

Editor's note — Ord. No. 2018-21, § 5, adopted March 26, 2018, repealed the former section 14-177.6 in its entirety, which pertained to fuel gas fees and derived from Ord. No. 2015-35, § I, adopted July 13, 2015.

— For current provisions pertaining to fuel gas fees, the user's attention is directed to appendix D of this Code.

~~Secs. 14-178 — 14-200. — Reserved.~~

ARTICLE VIII. — PROPERTY MAINTENANCE CODE⁽⁶⁾

Footnotes:

~~—(6)—~~

State Law reference — Dangerous structures, V.T.C.A., Local Government Code § 214.001 et seq.

~~Sec. 14-201. — Property maintenance code.~~

- ~~(a) — The International Property Maintenance Code 2015 and all its appendices are hereby adopted as the Property Maintenance Code of the city, except as stated in the following.~~
- ~~(b) — Section 110, Demolition, paragraph 110.2, Notices and Orders is amended by adding the following sentence to paragraph 110.2: All demolition procedures, notices and orders shall comply with Chapter 50 of the Code of Ordinances, City of New Braunfels, Texas.~~
- ~~(c) — Section 103.5 Fees is not adopted and is replaced with the following:
Section 103.5 Fees. There shall be no fee charged for an inspection. If a violation is noted requiring a re-inspection to determine if the violation is abated, a re-inspection fee of \$35.00 shall be paid for each violation re-inspected by the owner or agent for the owner. The re-inspection fee will double with each failed inspection.~~
- ~~(d) — Section 111 Means of Appeal is not adopted.~~
- ~~(e) — The first phrase in Section 303.14 Insect Screens, which states "During the period from [date] to [date]" is deleted and replaced with the following phrase: "At all times..."~~
- ~~(f) — The dates in Section 602.3 Heat supply shall be from November 1 to April 1.~~
- ~~(g) — Sections 604.2 Service is amended by replacing the words "ICC Electrical Code" with the words "National Electrical Code adopted by the City".~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-202. International existing building code.~~

~~The International Existing Building Code 2015 and appendix is hereby adopted as the city existing building code.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Secs. 14-203—14-300. Reserved.~~

~~ARTICLE IX. ENERGY CONSERVATION CODE~~

~~Sec. 14-301. Energy conservation code.~~

~~The International Energy Conservation Code 2012 and its appendix is hereby adopted as the city energy conservation code, except as noted in the following:~~

~~Section 105.5. Re-inspection fee is added as follows:~~

~~Section 105.5 Re-inspection Fees. A fee of \$35.00 must be paid to the city for each re-inspection of work authorized under this code. The re-inspection fee will double with each failed inspection. The person or agent to whom the permit was issued prior to any re-inspection must pay the re-inspection fee.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Secs. 14-302—14-400. Reserved.~~

~~ARTICLE X. VIOLATIONS, PENALTIES, FEE REFUND POLICY, BOARD OF APPEALS AND ADMINISTRATIVE~~

~~Sec. 14-401. General.~~

~~The provisions of this article apply to all the articles of this chapter unless the article expressly states otherwise.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-402. Violation and penalty.~~

~~Any person, firm, corporation, agent, or entity that violates a provision of this chapter, or fails to comply therewith or with any of the provisions thereof; or violates a detail, statement, plan, or specification for a permit approved there under, shall constitute an endangerment of the public's health, safety, and welfare and be guilty of a misdemeanor. Each and every day or portion thereof during which any violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than \$2,000.00 for each day and each offense upon conviction in a court of competent jurisdiction.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

~~Sec. 14-403. Reserved.~~

Editor's note—~~Ord. No. 2018-21, § 5, adopted March 26, 2018, repealed the former section 14-403 in its entirety, which pertained to fee refunds and derived from Ord. No. 2015-35, § I,~~

~~adopted July 13, 2015.~~

~~—For current provisions pertaining to fee refunds, the user's attention is directed to appendix D of this Code.~~

~~Sec. 14-404. Construction board of appeals.~~

- ~~(a) There shall be a single consolidated construction board of appeals. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this chapter, there shall be and is hereby created a board of appeals.~~
- ~~(b) Application. The application for appeal shall be filed on a form obtained from the building official within ten days after the notice was served. An application fee of \$200.00 for residential or \$300.00 for commercial shall be paid to the city by applicants desiring an audience before the construction board of appeals.~~
- ~~(c) The construction board of appeals shall consist of persons appointed by the city council. Each member shall serve for five years or until a successor has been appointed. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board.~~
- ~~(d) Alternate members. The city council shall appoint four alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.~~
- ~~(e) Qualifications. The construction board of appeals shall consist of seven individuals, one from each of the following professions or disciplines:~~
- ~~(1) A registered design professional with architectural experience or a builder or superintendent of building construction.~~
 - ~~(2) A registered design professional with engineering experience.~~
 - ~~(3) A registered mechanical contractor.~~
 - ~~(4) A registered electrical contractor.~~
 - ~~(5) A registered plumbing contractor.~~
 - ~~(6) Two registered general contractors.~~
 - ~~(7) Or, the city council may appoint one person who is an attorney or a citizen of the city, in lieu of any of the previously listed qualified persons.~~
 - ~~(8) Or, the council may appoint an interim board with the persons of qualification determined by the council.~~
- ~~(f) Rules and procedures. The board is authorized to establish policies and procedures necessary to carry out its duties.~~
- ~~(g) Chairperson. The board shall annually select one of its members to serve as chairperson.~~
- ~~(h) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~
- ~~(i) Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the building official.~~
- ~~(j) Notice of meeting. The board shall meet upon notice from the chairperson, within ten days of the filing of an appeal or at stated periodic meetings.~~
- ~~(k) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person who interests are affected shall be given an opportunity to be heard.~~
- ~~(l) Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

- ~~(m) Postponed hearing. When seven members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.~~
- ~~(n) Board decision. The board shall modify or reverse the decision of the building official by a concurring vote of two-thirds of its members. The board may deny the appeal, approve the appeal, or approve the appeal with conditions.~~
- ~~(o) Administration. The building official shall take immediate action in accordance with the decision of the board.~~
- ~~(p) Limitations on authority. An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted there under have been incorrectly interpreted, the provisions of this chapter do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this chapter.~~

~~(Ord. No. 2015-35, § I, 7-13-15)~~

ARTICLE I. - IN GENERAL

Sec. 14-1. - Administration and enforcement of codes, ordinances and articles.

The building official of the city shall have the responsibility for the administration and enforcement of these codes ordinances and articles as adopted by this chapter, and such official shall have all of the responsibilities called for in these articles and the specifications, rules and regulations adopted by these codes, ordinance and articles.

(Ord. No. 2015-35, § I, 7-13-15)

Sec. 14-2. - Interpretation of codes, ordinances and articles.

The building official shall have the authority to render interpretations of these codes, ordinance, and articles; and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of these codes, ordinances and articles. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in these codes, ordinances and articles.

(Ord. No. 2015-35, § I, 7-13-15)

Sec. 14-3. - Commercial premium or overtime inspection fees.

Premium or overtime inspections are those inspections requested for times other than the normal working hours. Fees for premium inspections done after 4:00 p.m. on weekdays and on weekends shall be at a rate of \$45.00 per inspection with a minimum of three inspections required.

(Ord. No. 2015-35, § I, 7-13-15)

Sec. 14-4. - Building official to determine conflicts between codes.

The code official is the building official except where specifically described as the fire code official. Applying to any construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, occupancy loads, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, the building official is hereby authorized and directed to enforce the provisions of these codes and ordinances (all ICC codes adopted by the city and all city and all city ordinances that apply). The building official shall have the authority to render interpretations of all these codes and ordinances and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of these codes and ordinances. The building official will be the final authority in any disputes of any interpretations of or any conflicts between these codes and ordinances. The building official is also the final authority in determining who will apply and enforce these codes and ordinances.

(Ord. No. 2015-35, § I, 7-13-15)

Sec.14-5. – Building Permit Required.

No person, firm, corporation, or any other entity shall erect, construct, enlarge, alter, repair, modify, excavate, fill, or change any fence, sign, land, building, structure, or property in the city, nor cause such work to be done; nor shall any building or structure be moved, removed, converted, or demolished without first obtaining any necessary permit therefore from the building official and complying with all applicable requirements of the city.

Sec. 14-6. - Requirements not covered by Code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this chapter or the other technical codes, shall be determined by the building official. In addition, other requirements to implement, clarify or set procedures to accomplish the intent of this Code may be set in writing by the building official and may be posted electronically for public access.

Sec. 14-7. - Construction work hours and/or noise.

a) Construction work hours and/or noise means any construction or noise generated by construction activities, such as the operation of power equipment, machinery or tools, the use of air-powered or impact tools, hammers, saws, picks, shovels and other similar tools, and the loading, unloading, conveyance or assembly of construction materials, equipment, machinery or tools.

b) It is unlawful for a person to start work and/or cause construction noise to be made between 9:00 p.m. and 6:00 a.m.

c) It is unlawful for a person to whom a construction permit is issued by the city to cause or allow work to start and/or construction noise to be made in connection with the performance of work under the permit between 9:00 p.m. and 6:00 a.m.

Exceptions:

The building department understands that there may be times when work must occur outside of the permissible hours. If you have an emergency that includes any of the following, then the start of work and/or noise regulations do not apply:

- Work made necessary to restore a property to a safe condition following a public calamity.
- Work to restore public utilities.
- Work required to protect persons or property from imminent exposure to danger.

There may be other situations that require work outside of permissible hours. For these situations, you must apply for a variance subject to approval by the building official. Application for variance must be in filed with the building department at least 48 hours in advance.

d) A person who violates this section shall be guilty of a misdemeanor. Each and every day or portion thereof during which any violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than \$2,000.00 for each day and each offense upon conviction in a court of competent jurisdiction.

Sec. 14-8—14-26. - Reserved.

ARTICLE II. - BUILDING CODE

Sec. 14-27. – 2018 International Building Code (IBC)

The 2018 International Building Code and all appendices, are hereby adopted and incorporated by reference as the building codes of the City of New Braunfels, except as stated in the following:

- a) Section 101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]
- b) Section 105.1.1 Annual permit shall be deleted.
- c) Section 105.1.2 Annual permit records shall be deleted.
- d) Section 105.2 Work exempt from permit shall be amended as follows:
 1. 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:
 - a. Private Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over 32 square feet total.
 - b. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

- c. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- e) Section 1612.3. Insert: City of New Braunfels
- f) Section 1612.3. Insert: September 2, 2009
- g) Appendix B shall be deleted
- h) Appendix D shall be deleted.
- i) Appendix H is adopted with sections amended as follows:
 - 1. Section H101.2 Signs exempt from permits shall be deleted.
 - 2. H105.2 Permits, drawings and specifications. Where a permit is required, as provided in Chapter 1, construction documents shall be required. These documents shall show the dimensions, material and required details of construction, including loads, stresses and anchors. Engineered Drawings may be required for free standing signs over 8' in height and monument signs over 6' in height.

Sec. 14-28. - Reserved.

ARTICLE III. – RESIDENTIAL CODE

Sec. 14-29. – 2018 International Residential Code (IRC)

The 2018 International Residential Code and all appendices, are hereby adopted and incorporated by reference as the building code of the City of New Braunfels, except as stated in the following:

- a) Section 101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]
- b) Section 105.2 Work exempt from permit shall be amended as follows:
 - 1. 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:
 - 2. Private Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not more than 32 square feet total.
 - 3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 - 4. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
 - 5. Swings and other playground equipment.

c) [Table R301.2\(1\)—Insert:](#)

| GROUND SNOW LOAD ^e | WIND DESIGN | | | | SEISMIC DESIGN CATEGORY ^f | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP ^g | ICE BARRIER UNDERLAYMENT REQUIRED ^h | FLOOD HAZARDS ⁱ | AIR FREEZING INDEX ^j | MEAN ANNUAL TEMP ^k |
|-------------------------------------|-----------------------------|-------------------------------------|-------------------------------------|---------------------------------------|--|-------------------------|----------------------------------|----------------------|---------------------------------------|--|-------------------------------|---------------------------------------|-------------------------------------|
| | Speed ^d (mph) | Topographic effects ^k | Special wind region ^l | Windborne debris zone ^m | | Weathering ^a | Frost line depth ^b | Termite ^c | | | | | |
| 5 | 115 | No | No | No | A | Negligible | 0 | Moderate | 30 | No | Yes | 29 | 68.5 |

d) [Appendix L Permit Fees shall be deleted.](#)

e) [Appendix T Solar Ready Provisions shall be deleted.](#)

[ARTICLE IV. - ELECTRICAL CODE \[2\]](#)

[Footnotes: --- \(2\) ---](#)

[Cross reference— Businesses, ch. 18.](#)

[Sec. 14-30. - Electrical code.](#)

[The 2017 National Electrical Code \(NEC\) and all annexes, are hereby adopted and incorporated by reference as the electrical code of the City of New Braunfels.](#)

[\(1\) All Enforcement and Administrative Provisions of the Electrical Code has been referenced in Appendix K of the 2018 International Building Code.](#)

[Sec. 14-31. - Conflicts of interest; restrictions on providing initial electrical service.](#)

[\(a\) No person employed by the building department of this city shall be financially interested in the furnishing of labor, material or appliances for use in any manner in the electrical installation of a building or structure unless such person is otherwise eligible under the property and homeowner exception as set forth in section 14-62.](#)

[\(b\) Utility providers shall not provide initial electrical service to any building or structure unless such utility has been furnished a certificate of occupancy or release as required by the city for such building or structure that corresponds to the intended use of the building. Temporary electrical service may be provided to such building or structure for a period not exceeding 180 days after the utility provider has been furnished a certificate of inspection or temporary certificate of occupancy. When temporary service has been provided, for the purpose of construction, the period of service may be extended by the building official. Each of the certificates referred to in this section will be issued as appropriate by the building official upon completion of the required inspections.](#)

[\(Ord. No. 2015-35, § I, 7-13-15\)](#)

[Sec. 14-32. - Electrical inspector, powers and duties.](#)

(a) Right of entry. The building official and/or his department and personnel when serving as electrical inspectors in enforcement of this article may enter any building, structure, portion thereof, or premises during reasonable hours to perform any duty imposed upon him by this article.

(b) Issuance of permits; supervision of work. The building official shall cause to be issued for each job requiring any type of electrical work a permit, shall see that the fees (see section 14-66) set out in this article are properly paid, and that all work done under such permits are accomplished in accordance with this article under the direct supervision of persons registered under the provisions of this article.

(c) Stop work orders. Upon notice from the building official that electrical work on any building or structure is being done contrary to the provisions of this article or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the stop work order shall be given verbally with written notice following within two working days.

(d) Revocation of permits. The building official may revoke a permit or approval issued under the provisions of this article if there has been any false statement, misunderstanding or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(e) Electrically unsafe buildings. All buildings or structures which in the opinion of the electrical inspector are electrically unsafe so as to create a hazard to life or constitute a fire hazard or are otherwise dangerous to life or property are hereby declared illegal and shall have the electrical power removed or disconnected and then shall be abated by repair, rehabilitation or demolition in accordance with condemnation procedures as established by the codes as adopted by this city.

(f) Requirements not covered by this article. Any requirement necessary for the electrical safety to life and property not specifically covered by this article shall be determined by the building official subject to appeal to the electrical appeals board.

ARTICLE IV. - PLUMBING CODE[3]

Footnotes: --- (3) ---

Cross reference— Businesses, ch. 18; health and sanitation, ch. 62; wastewater from tourist courts, § 62-232; streets, sidewalks and other public places, ch. 114; utilities, ch. 130; water service, § 130-121 et seq.; sewer service, § 130-231 et seq.

State Law reference— Plumbing License Law, Vernon's Ann. Civ. St. art. 6243-101.

Sec. 14-33. - Plumbing code.

(a) The 2018 International Plumbing Code (IPC) and all Appendices are hereby adopted and incorporated by reference as the plumbing code of the City of New Braunfels except as stated in the following:

- 1) Section 101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]
- 2) Section 106.6.2 Fee Schedule shall be deleted.
- 3) Section 106.6.3 Fee Refund shall be deleted.
- 4) Section 108.4 Violation Penalties shall be deleted and replaced with, "Section 108.4 Violation Penalties. Violations and penalties shall be set forth by City Ordinance"
- 5) Section 108.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS] [\$200] [2 x the cost of the permit]
- 6) Appendix A shall be deleted
- 7) Appendix B shall be deleted and replaced with NOAA Atlas 14 Texas

ARTICLE V. - MECHANICAL CODE

Sec. 14-34. - Mechanical code.

(a) The 2018 International Mechanical Code (IMC) and all appendices are hereby adopted and incorporated by reference as the Mechanical Code of the City of New Braunfels, except as stated in the following:

- 1) Section 101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]
- 2) Section 106.5.2 Fee Schedule shall be deleted
- 3) Section 106.5.3 Fee Refund shall be deleted
- 4) Section 108.4 Violation Penalties shall be deleted and replaced with, "Section 108.4 Violation Penalties. Violations and penalties shall be set forth by City Ordinance"
- 5) Section 108.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS] [\$200] [2 x the cost of the permit]
- 6) Appendix D Permit Fee Schedule shall be deleted

ARTICLE VI. – FUEL GAS CODE[5]

Footnotes: --- (5) ---

Cross reference— Natural gas service, § 130-431 et seq.

State Law reference— Regulation of natural gas, V.T.C.A., Natural Resources Code ch. 86.

Sec. 14-35. - Fuel gas code.

(a) The 2018 International Fuel Gas Code (IFGC) and all its appendices are hereby adopted and incorporated by reference as the fuel gas code of the City of New Braunfels, except as stated in the following:

- 1) Section 101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]
- 2) Section 106.6.2 Fee Schedule shall be deleted
- 3) Section 106.6.3 Fee Refund shall be deleted
- 4) Section 108.4 Violation Penalties shall be deleted and replaced with, "Section 108.4 Violation Penalties. Violations and penalties shall be set forth by City Ordinance"
- 5) Section 108.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS] [\$200] [2 x the cost of the permit]

ARTICLE VII. - PROPERTY MAINTENANCE CODE[6]

Footnotes: --- (6) ---

State Law reference— Dangerous structures, V.T.C.A., Local Government Code § 214.001 et seq.

Sec. 14-36. - Property maintenance code.

(a) The 2018 International Property Maintenance Code (IPMC) and all its Appendices are hereby adopted and incorporated by reference as the Property Maintenance Code of the City of New Braunfels, except as stated in the following:

- 1) Section 101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]
- 2) Section 103.5 Fee Schedule shall be deleted
- 3) Section 112.4 Failure to Comply shall be deleted and replaced with, "Section 108.4 Failure to Comply. Violations and penalties shall be set forth by City Ordinance"
- 4) Section 302.4 Insert: [HEIGHT IN INCHES] [12"]
- 5) Section 304.14. Insert: [DATES IN TWO LOCATIONS][January 1st] [December 31st]
- 6) Section 602.3. Insert: [DATES IN TWO LOCATIONS] [November 1st] [April 1st]
- 7) Section 602.4. Insert: [DATES IN TWO LOCATIONS] [November 1st] [April 1st]

ARTICLE VIII. – Existing Building Code

Sec. 14-37. - International existing building code.

(a) The 2018 International Existing Building Code (IEBC) and all its appendices are hereby adopted and incorporated by reference as the fuel gas code of the City of New Braunfels, except as stated in the following:

- 1) Section 101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]

ARTICLE IX. - ENERGY CONSERVATION CODE

Sec. 14-38. - Energy conservation code.

(a) The 2018 International Energy Conservation Code (IECC) and all its appendices are hereby adopted and incorporated by reference as the energy conservation code of the City of New Braunfels, except as stated in the following:

- 1) Section C101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]
- 2) Section R101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]

ARTICLE X. – PRIVATE SEWAGE CODE

Sec. 14-39. – Private sewage code.

(a) The 2018 International Private Sewage Code (IPSC) and all Appendices are hereby adopted and incorporated by reference as the plumbing code of the City of New Braunfels except as stated in the following:

- 1) Section 101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]
- 2) Section 106.6.2 Fee Schedule shall be deleted.
- 3) Section 106.6.3 Fee Refund shall be deleted.
- 4) Section 108.4 Violation Penalties shall be deleted and replaced with, “Section 108.4 Violation Penalties. Violations and penalties shall be set forth by City Ordinance”
- 5) Section 108.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS] [\$200] [2 x the cost of the permit]

ARTICLE XI. – SWIMMING POOL AND SPA CODE

Sec. 14-40. – Swimming pool and Spa Code.

(a) The 2018 International Swimming Pool and Spa Code (IPSC) and all Appendices are hereby adopted and incorporated by reference as the plumbing code of the City of New Braunfels except as stated in the following:

- 1) Section 101.1. Insert: [NAME OF JURISDICTION] [City of New Braunfels]
- 2) Section 105.6.2 Fee Schedule shall be deleted.
- 3) Section 105.6.3 Fee Refund shall be deleted.
- 4) Section 107.4 Violation Penalties shall be deleted and replaced with, "Section 108.4 Violation Penalties. Violations and penalties shall be set forth by City Ordinance"
- 5) Section 107.5. Insert: [DOLLAR AMOUNT IN TWO LOCATIONS] [\$200] [2 x the cost of the permit]

ARTICLE XII. - VIOLATIONS, PENALTIES, BOARD OF APPEALS AND ADMINISTRATIVE

Sec. 14-41. - General.

The provisions of this article apply to all the articles of this chapter unless the article expressly states otherwise.

(Ord. No. 2015-35, § I, 7-13-15)

Sec. 14-42. - Violation and penalty.

Any person, firm, corporation, agent, or entity that violates a provision of this chapter, or fails to comply therewith or with any of the provisions thereof; or violates a detail, statement, plan, or specification for a permit approved there under, shall constitute an endangerment of the public's health, safety, and welfare and be guilty of a misdemeanor. Each and every day or portion thereof during which any violation or failure to comply is committed or continued shall be deemed a separate offense subject to a fine of not more than \$2,000.00 for each day and each offense upon conviction in a court of competent jurisdiction.

Sec. 14-43. - Construction board of appeals.

(a) There shall be a single consolidated construction board of appeals. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this chapter, there shall be and is hereby created a board of appeals.

(b) Application. The application for appeal shall be filed on a form obtained from the building official within ten days after the notice was served. An application fee of \$200.00 for residential or \$300.00 for

commercial shall be paid to the city by applicants desiring an audience before the construction board of appeals.

(c) The construction board of appeals shall consist of persons appointed by the city council. Each member shall serve for five years or until a successor has been appointed. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board.

(d) Alternate members. The city council shall appoint four alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

(e) Qualifications. The construction board of appeals shall consist of seven individuals, one from each of the following professions or disciplines:

(1) A registered design professional with architectural experience or a builder or superintendent of building construction.

(2) A registered design professional with engineering experience.

(3) A registered mechanical contractor.

(4) A registered electrical contractor.

(5) A registered plumbing contractor.

(6) Two registered general contractors.

(7) Or, the city council may appoint one person who is an attorney or a citizen of the city, in lieu of any of the previously listed qualified persons.

(8) Or, the council may appoint an interim board with the persons of qualification determined by the council.

(f) Rules and procedures. The board is authorized to establish policies and procedures necessary to carry out its duties.

(g) Chairperson. The board shall annually select one of its members to serve as chairperson.

(h) Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

(i) Secretary. The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the building official.

(j) Notice of meeting. The board shall meet upon notice from the chairperson, within ten days of the filing of an appeal or at stated periodic meetings.

(k) Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

(l) Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(m) Postponed hearing. When seven members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(n) Board decision. The board shall modify or reverse the decision of the building official by a concurring vote of two-thirds of its members. The board may deny the appeal, approve the appeal, or approve the appeal with conditions.

(o) Administration. The building official shall take immediate action in accordance with the decision of the board.

(p) Limitations on authority. An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted there under have been incorrectly interpreted, the provisions of this chapter do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this chapter.

(Ord. No. 2015-35, § I, 7-13-15)

Sec. 14-44. - Contractors.

(a) General contractor residential shall be defined as, contractors regulated by 2018 IRC Section 101.2 Scope.

(1) General contractor Residential shall be registered with the city. General contractor-commercial local registration shall expire December 31st of each year.

(b) General contractor-commercial shall be defined as, contractors regulated by IBC 2018 Section 101.2 Scope.

(1) General contractor commercial shall be registered with the city. General contractor-commercial local registration shall expire December 31st of each year.

(c) Contractor-limited shall be defined as, a contractor other than Electrical, Mechanical, Plumbing, and Irrigator.

(1) The term "contractor-limited" shall apply to home owners doing work on properties they own.

(2) A Contractor Limited shall apply to such trades as roofing, framing, paving, fencing, and other specialty crafts.

(3) Contractor Limited shall be registered with the city. General contractor-commercial local registration shall expire December 31st of each year.

(e) Owner doing own work; Homestead.

(1) An owner of an existing single-family residence who permanently resides in that residence and who claims it as a homestead under the laws of the state may act as a limited or general contractor on his own residence without being registered. However, he must obtain all necessary permits, pay all required permit fees, and comply with all ordinances of the city as well as any other applicable state or federal laws.

(2) A person who intends to build a single-family residence and permanently reside therein and claim it as a homestead under the laws of the state may act as a limited or general contractor on his own residence without being registered if approved by the building official. However, he must obtain all necessary permits, pay all required permit fees, and comply with all ordinances of the city as well as any other applicable state or federal laws.

(3) No single-family resident homeowner will be issued a permit under the provisions of this section involving any structural, electrical, or plumbing work unless the building official is satisfied that the applicant can competently and safely perform the work.

(g) Contractor Registration—Application generally. Every person desiring to engage in the business of general or limited contractor in the city shall obtain a city registration authorizing him to engage in such business. Individuals desiring such registration shall make application with the building official on the form, which may be obtained from the office of the building department of the city. The building official may, at his discretion, issue one permit for the initial work of any otherwise approved structure pending approval of the appropriate general or limited contractor's registration. Only individuals shall be so registered, and the registration is not transferable.

(h) Insurance required. Before any person shall engage in the business of a general or limited contractor or be granted a registration to do so, he shall first provide the city proof of \$1,000,000.00 liability insurance for general contractor-commercial and \$300,000.00 for limited contractor and general contractor-residential, naming the City of New Braunfels as the Certificate Holder.

(i) Application for registration—Applicant who has had registration previously denied or revoked. An applicant for a general or limited contractor's registration who has been denied a registration or had a registration revoked by this city or another entity for any building or related trade must disclose that information to the building official at the time of application. Any conviction for a misdemeanor or felony, other than traffic citations, must also be disclosed. Failure to disclose such information will result in automatic disapproval of the application. If the registration is issued and such failure to disclose is discovered later, the registration will be revoked. Any additional legal remedies may also be pursued by

the building official. Upon disclosure at the time of registration application, the building official will make a thorough investigation and weigh carefully all details available prior to approving registration.

(j) Fee. Every applicant who shall make application for a general contractor's registration, as provided for in this article, shall pay a fee of \$200.00 upon submitting such application.

(k) Issuance of registration. A contractor's registration will be issued by the building official only after receipt of the insurance required by subsection (h).

(m) Registration renewal; fee; requirements for renewal. A registration holder may renew his general contractor's registration any time during the period of 60 days prior to expiration, but no later than 30 days after the expiration date, by paying an annual renewal fee of \$100.00. Also, provided he has engaged in such business with a properly issued building permit and satisfactorily completed the work for which the permit was issued sometime within the preceding 24 months. A registration holder who has exceeded the allowed 30 days past expiration will be considered as a new applicant should he desire to reestablish his general contractor's registration.

Sec. 14-45. - Electrical contractor registration.

(1) Electrical contractor's registration. The applicant must show proof of state registration. An applicant for any electrical registration shall make application to the building division on the form provided by the city. All questions on such form must be completely and truthfully answered upon submission of the application in order to receive favorable consideration for registration issuance.

(a) Electrical Contractors shall be registered with the city. Electrical Contractor registration shall expire June 30th of each year.

(b) Fee. Every applicant who shall make application for an electrical contractor's registration, as provided for in this article, shall pay a fee of \$200.00 upon submitting such application.

(c) Liability insurance required. Before any person shall be issued an electrical contractor's registration, retain such registration or engage in the business of electrical work in the city, he shall first provide proof of \$300,000.00 liability insurance, naming the City of New Braunfels as the certificate holder.

(d) Issuance of registration. A contractor's registration will be issued by the building official only after receipt of the insurance required by subsection (c).

(e) Registration renewal; fee; requirements for renewal. A registration holder may renew his electrical contractor's registration any time during the period of 60 days prior to expiration, but no later than 30 days after the expiration date, by paying an annual renewal fee of \$75.00. Also, provided he has engaged in such business with a properly issued building permit and satisfactorily completed the work for which the permit was issued sometime within the preceding 24 months. A registration holder who has exceeded the allowed 30 days past

expiration will be considered as a new applicant should he desire to reestablish his general contractor's registration.

(5) Master electrician's registration. The applicant must show proof of state registration. No insurance is required of a master electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every master electrician shall have his city registration in his possession when performing or supervising electrical work. A properly registered master electrician is considered qualified to provide immediate permitted job-site supervision of electrical installations, provided that he is under the general, which may include permitted job-site supervision by the electrical contractor who holds the permit issued in accordance with this article.

(6) Journeyman electrician's registration. The applicant must show proof of state registration. No insurance is required of a journeyman electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every journeyman electrician shall have his city registration in his possession when performing or supervising electrical work. A properly registered journeyman electrician is considered qualified to provide immediate permitted job-site supervision of electrical installations, provided that he is under the general, which may include permitted job-site supervision by the electrical contractor who holds the permit issued in accordance with this article.

(7) Wireman electrician's registration. The applicant must show proof of state registration. No insurance is required of a wireman electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every wireman electrician shall have his city registration in his possession when performing electrical work. A wireman electrician may supervise no more than one apprentice electrician at the permitted job-site location, and is limited to single-family and duplex residences only.

(8) Maintenance electrician's registration. The applicant must show proof of state registration. No insurance is required of a maintenance electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every maintenance electrician shall have his city registration in his possession when performing electrical work. A maintenance electrician shall perform his duties only for the company for which he is employed.

(9) Sign electrician's registration. The applicant must show proof of state registration. No insurance is required of a sign electrician, and he may not be issued an electrical permit except that this restriction shall in no way deprive him of property owner's rights available to any citizen as described elsewhere in this article. Every sign electrician shall have his city registration in his possession when performing electrical work. A sign electrician shall perform his duties under the direct, permitted job-site supervision of a journeyman or electrical contractor who holds a valid city registration.

(10) Apprentice electrician. An electrical contractor may employ a person as an apprentice electrician and such person shall be identified by the issuance of an apprentice electrician's registration by the city. Every apprentice shall have his city registration in his possession when performing electrical work. An apprentice electrician shall perform his duties under the direct, permitted job-site supervision of a wireman, journeyman or electrical contractor, who holds a valid city registration.

(11) All registrations issued under the provisions of this article shall expire on June 30th of each year, unless sooner revoked.

Sec. 14-46. – Plumbing Contractor Registration

(1) Plumbing contractor's registration. The applicant must show proof of state registration. An applicant for any Plumbing contractor registration shall make application to the building division on the form provided by the city. All questions on such form must be completely and truthfully answered upon submission of the application in order to receive favorable consideration for registration issuance.

(a) Plumbing Contractors shall be registered with the city. Plumbing contractor registration shall expire when insurance or state license have expired.

(b) Liability insurance required. Before any person shall be issued an electrical contractor's registration, retain such registration or engage in the business of electrical work in the city, he shall first provide proof of \$300,000.00 liability insurance, naming the City of New Braunfels as the certificate holder.

(c) Issuance of registration. A contractor's registration will be issued by the building official only after receipt of the insurance required by subsection (b).

Sec. 14-47. – Mechanical Contractor Registration

(1) Mechanical contractor's registration. The applicant must show proof of state registration. An applicant for any electrical registration shall make application to the building division on the form provided by the city. All questions on such form must be completely and truthfully answered upon submission of the application in order to receive favorable consideration for registration issuance.

(a) Mechanical Contractors shall be registered with the city. Mechanical Contractor registration shall expire June 30th of each year.

(b) Fee. Every applicant who shall make application for an Mechanical contractor's registration, as provided for in this article, shall pay a fee of \$200.00 upon submitting such application.

(c) Liability insurance required. Before any person shall be issued an Mechanical contractor's registration, retain such registration or engage in the business of electrical work in the city, he

shall first provide proof of \$300,000.00 liability insurance, naming the City of New Braunfels as the certificate holder.

(d) Issuance of registration. A contractor's registration will be issued by the building official only after receipt of the insurance required by subsection (c).

(e) Registration renewal; fee; requirements for renewal. A registration holder may renew his Mechanical contractor's registration any time during the period of 60 days prior to expiration, but no later than 30 days after the expiration date, by paying an annual renewal fee of \$75.00. Also, provided he has engaged in such business with a properly issued building permit and satisfactorily completed the work for which the permit was issued sometime within the preceding 24 months. A registration holder who has exceeded the allowed 30 days past expiration will be considered as a new applicant should he desire to reestablish his general contractor's registration.

Sec.14-48. Revocation or Denial of Contractor Registration

(1) Procedure for denial, revocation, or suspension of registration or right to obtain permits. If the building official initiates a recommendation for denial, revocation, or suspension of a registration or of a right to obtain permits to work under an adopted code or ordinance of the city, the following procedure will apply:

(a) An applicant for registration or a registrant of the city shall have ten business days to request a review hearing to be held before the construction board of appeals as referenced in section 14-404. During the ten business-day period a current registrant shall not be allowed to obtain permits. If the applicant for registration or a registrant fails to request a hearing within ten business days the recommendation of the building official shall become final. If a registrant requests a hearing, any denial, revocation or suspension of registration or right to obtain permits shall be stayed pending the decision of the board. The board shall by majority vote affirm or reject the building official's recommendation.

(b) If the registrant is registered by the state, such as an electrical contractor, mechanical contractor or plumbing contractor, the process in subsection (1) of this section would apply.

Sec. 14-49. - Erosion control.

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

Below ground installations means activity that causes excess sediment laden water, concrete sawing wash water, wash water or drilling mud pumped from an excavation or structure and shall be treated as sediment laden runoff for erosion control purposes.

Building official means the building official for the City of New Braunfels or his designee.

Construction activities means construction activities that require a building permit.

Erosion control plan means a site plan with necessary details, showing the property where land disturbing activity will take place and showing the locations and types of devices, procedures and practices to be used to control erosion and sedimentation.

Final approval means completion of a project, site or building in accordance with city requirements and ordinances. In the case of a building, a certificate of occupancy is issued.

Land disturbing activity means any activity, including but not limited to excavation, planting, tilling, and grading, which disturbs the natural or improved vegetative ground cover so as to expose soil to the erosive forces of rain, storm water runoff or wind.

Off-site borrow area means a source of earth fill material used in the construction of embankments or other earth fill structures, that is located on another parcel of property other than where the principal construction is occurring.

Off-site sedimentation means deposit of soil material beyond the limits of the property undergoing land disturbing activity or in city streets, alleys or drainage facilities in an amount sufficient to constitute a threat to public safety and comfort.

Off-site spoil area means an area on another parcel of property, other than where the principal construction is occurring, where excess earth, rock or construction material is disposed of.

Permanent erosion control devices means devices or practices installed prior to final approval and maintained after final approval to prevent or minimize the erosion and deposit of soil materials. Such devices may include, but shall not be limited to, permanent seeding, sod, storm drain channels, channel linings, storm drain pipes, outlet velocity control structures and storm water detention structures.

Permanent ground cover means permanent vegetative cover on all bare soil areas of a property not covered by a permanent structure or landscaping improvements, including but not limited to, live sod, perennial grasses or other materials which lessen runoff and soil erosion on the property.

Phased occupancy means use or inhabitation of a single structure or other portion of a project as such structure or portion thereof is completed, but before the project as a whole is fully completed and finally approved by city.

Related land area includes the property where the principal land disturbing activity is taking place, all adjacent property, off-site borrow areas, off-site spoil areas, off-site properties necessary for required utility extensions, and off-site areas for required street improvements.

Responsible party means a business entity, franchised utility company, developer, property owner, contractor or holder of a building permit who is required to comply with the terms of this article.

Staging area means an on-site or off-site location used by a Contractor to store materials for a project, to assemble portions of equipment or structures, to store equipment or machinery, to park vehicles, or for other construction related uses.

Stop work order means the suspension of all city permits with no approvals or inspections of work for the site or project being performed.

Temporary erosion control devices means devices installed or practices implemented and maintained during land disturbing activities to prevent, minimize or control the erosion and deposit of soil materials.

(b) Building permit. When land disturbing activities are conducted on a lot for which a building permit must be issued, the responsible party shall comply with the following:

(1) Erosion control plan. Prior to approval of a building permit for a lot by the city, the contractor or other responsible party obtaining the building permit shall submit an erosion control plan for approval by the city. No inspection may be performed on a project until a city-approved erosion control plan is implemented.

(2) Stop work order/citation. City shall inspect the erosion control devices located at a site for compliance with the approved erosion control plan submitted for such site. If a responsible party fails to implement or maintain erosion control devices as specified in his approved erosion control plan, city shall provide such party with written notice of noncompliance identifying the nature of such noncompliance. The responsible party shall have 24 hours to bring his erosion control devices into compliance with the approved erosion control plan for the site where the violation occurred. Correction shall include sediment clean-up, erosion control device repair, erosion control device maintenance, and/or installation of additional erosion control devices to prevent re-occurrence of the violation. The 24-hour cure period may be extended for inclement weather or other factors at the discretion of the building official.

At the end of the 24-hour cure period, city shall re-inspect the site and may assess a re-inspection fee. If at the time of such re-inspection, the erosion control devices at the site have not been brought into compliance with the approved erosion control plan, city may issue a stop work order and issue a citation for each violation of the city's erosion control requirements. When a stop work order has been issued, a re-inspection fee shall be assessed. To obtain a re-inspection for removal of the stop work order, a request must be submitted there for and a re-inspection fee, as set by the building inspection department of the city, shall be paid.

(3) Removal of erosion control devices. Upon final occupancy or upon establishing permanent ground cover on a lot, all temporary erosion control devices shall be removed.

(c) Enforcement.

(1) Violations. It shall be an offense for a responsible party or a third party performing work on a project to violate any of the requirements of this article, including, but not limited to, the following:

a. Conducting any land disturbing or construction activity without an approved erosion control plan for the location where the violation occurred.

b. Failing to install erosion control devices or to maintain erosion control devices throughout the duration of land disturbing activities, in compliance with the approved erosion control plan for the location where the violation occurred.

c. Failing to remove off-site sedimentation that is a direct result of land disturbing activities where such off-site sedimentation results from the failure to implement or maintain erosion control devices as specified in an approved erosion control plan for the location where the violation occurred.

d. Allowing sediment laden water resulting from below ground installations to flow from a site without being treated through an erosion control device.

e. Failing to repair damage to existing erosion control devices, including replacement of existing grass or sod.

(2) Notice of violation. Written notice of violation shall be given to the responsible party or his job site representative as identified in the erosion control plan for a site. Such notice shall identify the nature of the alleged violation and the action required to obtain compliance with the approved erosion control plan.

(3) Class C misdemeanor. Any person, firm, or corporation violating any of the provisions or terms of this article shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, be subject to a fine not exceeding \$500.00 for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

(d) Appeals.

(1) Appeal to building official. Upon notice of noncompliance, a responsible party may appeal the city's decision to take deductions from his erosion control deposit pursuant to section 14-96 of this article, by filing a written appeal to the building official within seven days of city's written notice of its intent to make such deduction for costs as allowed herein. An appeal filed pursuant to this section shall specifically state the basis for the aggrieved party's challenge to the city's authority to take deductions under this article.

(2) Standard for appeals. When reviewing an appeal filed pursuant to this section, the building official shall evaluate all evidence submitted. The burden of proving that a violation of this article occurred shall be on the city. The city shall provide evidence sufficient to reasonably support a determination that the responsible party failed to comply with the requirements of this article as alleged by the city.

(3) Issuance of opinion by director. Decisions of the building official shall be issued within 20 days of city's receipt of the written appeal. Decisions of the building official shall be final.

GLOSSARY

- BARREL - A pipe placed through a dam, levee or dike to control the release of water.
- BMP - Best Management Practices. Consist of practices, procedures, and devices used to prevent or reduce pollutants, including sediment, from polluting the waters of the United States.
- BORROW AREA - A source of earth fill material used in the construction of embankments or other earth fill structures.
- CHANNEL - A natural stream or excavated ditch that conveys water.
- CHANNELIZATION - Alteration of a stream channel by widening, deepening, straightening, or paving certain areas to improve flow characteristics.
- CHECK DAM - A small, temporary dam constructed across a drainage ditch, swale or channel to lower the speed of concentrated flows and promote sediment deposition.
- CONTOUR - An imaginary line on the surface of the earth connecting points of the same elevation.
- CUT - Portion of land surface or area from which earth has been removed or will be removed by excavating; the depth below the original ground surface to the excavated ground surface.
- DAM - A barrier to confine or impound water or for the retention of soil, sediment or debris.
- DESIGN STORM - A selected rainfall pattern of specified amount, intensity, duration, and frequency that is used as a basis for design.
- DISCHARGE - Usually the rate of water flow commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.
- DIVERSION - A channel with a supporting ridge on the lower side constructed at the top, across, or at the bottom of a slope for the purpose of controlling surface runoff.
- DIVERSION DIKE - A barrier built to divert surface runoff.
- DIVIDE, DRAINAGE - The boundary between watersheds.
- DRAINAGEWAY - A natural or artificial depression that carries surface water to a larger watercourse or outlet such as a river or lake.
- DROP INLET - Overall structure in which the water drops through a vertical riser connected to a discharge conduit or storm sewer.
- EARTH DAM - Dam constructed of compacted suitable soil materials.
- ENERGY DISSIPATOR - A device used to reduce the energy of flowing water to prevent erosion.
- EPA - The Environmental Protection Agency. The federal agency responsible for administering the NPDES permit program.

- ERODIBILITY - Susceptibility to erosion.
- EROSION - The wearing away of the land surface by water, wind, ice, gravity, or other geological agents.
- EROSION CONTROL PLAN - A site plan with necessary details, showing the property where land disturbing activity will take place and showing the locations and types of BMPs to be used to control erosion and sedimentation.
- FILTER FABRIC - A woven or non-woven, water-permeable material generally made of synthetic products such as polypropylene and used in erosion and sediment control applications to trap sediment or prevent the movement of fine soil particles.
- FLOOD PLAIN - The lowland that borders a stream and is subject to flooding when the stream overflows its banks.
- GABION - A wire mesh cage, usually rectangular, filled with rock and used to protect channel banks and other sloping areas from erosion.
- GEOTEXTILES - See filter fabric.
- GRADE STABILIZATION STRUCTURE - A structure for the purpose of stabilizing the grade of a gully or other watercourse, thereby preventing further erosion or lowering of the channel bottom.
- GRADING - The cutting and/or filling of the land surface to a desired slope or elevation.
- GRASSED WATERWAY - A natural or constructed waterway, usually broad and shallow, covered with erosion-resistant grasses and used to safely conduct surface water from an area.
- GROUND COVER - Low-growing, spreading plants (grasses or legumes) useful for low-maintenance landscape areas.
- INVERT - The inside bottom of a culvert or other conduit.
- LEGUME - Any member of the pea or pulse family which includes peas, beans, peanuts, clovers, alfalfa, sweet clovers, lespedezas, vetches, black locust, and kudzu.
- NPDES - National Pollutant Discharge Elimination System. A federal program that requires a permit for storm water discharges to the waters of the U.S.
- OUTLET PROTECTION - Stone, rip-rap, concrete or asphalt aprons installed to reduce the speed of concentrated storm water flows, thereby reducing erosion and scouring at storm water outlets.
- RAINFALL INTENSITY - The rate at which rain is falling at any given instant, usually expressed in inches per hour.

- RATIONAL METHOD - A means of computing storm drainage flow rates by use of the formula $Q = CiA$, where C is a coefficient describing the physical drainage area, i is the rainfall intensity, and A is the drainage area.
- RECEIVING STREAM - The body of water into which runoff or effluent is discharged.
- RILL - A small intermittent watercourse with steep sides, usually only a few inches deep, normally caused by erosion.
- RISER - A vertical pipe or structure extending from the barrel, storm sewer or bottom of a pond BMP that is used to convey the discharge from the pond or drainage area.
- RUNOFF - That portion of precipitation that flows from a drainage area on the land surface, in open channels or in storm water conveyance systems.
- SCOUR - The clearing and digging action of flowing water, especially the downward erosion caused by stream water in sweeping away mud and silt from the stream bed.
- SEDIMENT - Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice.
- SEDIMENT BASIN - A settling pond with a controlled storm water release structure used to collect and store sediment produced by land disturbing activities. The basin detains sediment-laden runoff from larger drainage areas long enough to allow most of the sediment to settle out.
- SEDIMENT POOL - The reservoir space allocated for the accumulation of sediment in a sedimentation control device.
- SEDIMENT TRAP - A settling basin with a filter outlet designed to retain runoff long enough to allow most of the silt to settle out.
- SEDIMENTATION - The deposition of suspended soil particles that have settled out from storm water runoff.
- SHEETFLOW - Runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel or a rill.
- SILT - Parts of the soil structure consisting of particles between 0.002 and 0.05 mm in diameter.
- SLOPE - Degree of deviation of a surface from the horizontal. Slope is measured and is shown as a numerical ratio or percent.
- SOIL - The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.
- STABILIZATION - The proper placing, grading and/or covering of soil, rock or earth to ensure its resistance to erosion, sliding, or other movement. Also see Vegetative Stabilization.

- STORM FREQUENCY - The time interval between major storms of predetermined intensity and volumes of runoff (e.g. ten-year or 100-year storm).
- STORM SEWER (DRAIN) - A sewer that carries storm water, surface drainage, street wash and other wash waters, but excludes sewage and industrial wastes. Also called a storm drain.
- STORM WATER - Runoff from a rain event or snow melt runoff. Also called surface runoff.
- SWALE - An elongated, gentle depression in the land surface that conveys storm water into primary drainage channels. Swales are normally without flowing or standing water.
- SWPPP - Storm Water Pollution Prevention Plan. A document that is a part of the NPDES permit application and consists of the site erosion control plan, waste management plan, and site narrative as required by the EPA.
- TEMPORARY SEEDING - The growing of short-term (less than 1-year) vegetation on disturbed areas to prevent erosion.
- TOE OF SLOPE - The base or bottom of a slope at the point where the ground surface abruptly changes to a significantly flatter grade.
- TOPOGRAPHY - A general term that includes the physical features of a surface area including relative elevations and the position of natural and man-made features.
- VEGETATIVE STABILIZATION - Protection of erodible areas with temporary seeding, permanent seeding, or sodding.
- WATERSHED - The region drained by or contributing water to a stream, lake, or other body of water.

(Ord. No. 2015-35, § I, 7-13-15)

Sec. 14-50. - Irrigation systems.

(a) Scope. This Section applies to the installation, alteration, repairs, relocation, replacement, addition to, use, or maintenance of irrigation systems within the city. This Section regulates the installation of backflow prevention devices, control valves, automatic irrigation controllers, control wiring, and water conservation required for the proper design, installation, and operation of irrigation systems. All irrigation systems must comply with the provisions of this Section and with Title 30, Texas Administrative Code, Chapter 344.

(b) Purpose. The purpose of this Section is to require all irrigation systems to be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation.

(c) Definitions. The following words and terms shall have the meanings shown herein.

Design means the act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of

the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

Design pressure means the pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.

Emission device means any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads and drip irrigation emitters.

Employed means engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems. A person is employed if that person is in an employer-employee relationship as defined by Internal Revenue Code, Title 26, United States Code Service, Section 3312(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.

Head-to-head spacing means the spacing of spray or rotary sprinkler heads equal to the manufacturer's published radius of the head.

Hydraulics means the science of dynamic and static water; the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.

Inspector means a licensed plumbing inspector, water district operator, other governmental entity, or irrigation inspector who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor.

Installer means a person who connects an irrigation system to a private or public raw or potable water supply system or any water supply, who is licensed according to Title 30, Texas Administrative Code, Chapter 30.

Irrigation inspector means a person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

Irrigation plan means a scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.

Irrigation services means selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.

Irrigation system means an assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location.

and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by V.T.C.A., Agricultural Code § 251.002.

Irrigation technician means a person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service, or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

Irrigation zone means a subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope), and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

Irrigator means a person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services, or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system, or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

Irrigator-in-charge means the irrigator responsible for all irrigation work performed by an exempt business owner, including, but not limited to, obtaining permits, developing design plans, supervising the work of other irrigators or irrigation technicians, and installing, selling, maintaining, altering, repairing, or servicing a landscape irrigation system.

Landscape irrigation means the science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

License means an occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30, to an individual that authorizes the individual to engage in an activity that is covered by Title 30, Texas Administrative Code, Chapter 30.

Mainline means a pipe within an irrigation system that delivers water from the water source to the individual zone valves.

Maintenance checklist means a document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to, checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

Major maintenance, alteration, repair, or service means any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control

valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

Master valve means a remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

Matched precipitation rate means the condition in which all sprinkler heads within an irrigation zone apply water at the same rate.

Pass-through contract means a written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services relating to an irrigation system.

Reclaimed water means domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.

Records of landscape irrigation activities means the irrigation plans, contracts, warranty information, invoices, copies of permits, and other documents that relate to the installation, maintenance, alteration, repair, or service of a landscape irrigation system.

Static water pressure means the pressure of water when it is not moving.

Supervision means the on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2009, an irrigation technician who is working under the direction of a licensed irrigator to install, maintain, alter, repair, or service an irrigation system.

Water conservation means the design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

Zone flow means a measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.

Zone valve means an automatic valve that controls a single zone of a landscape irrigation system.

(d) License. Any person who connects an irrigation system to the water supply in the city must hold a valid license, as defined by Title 30, Texas Administrative Code, Chapter 30, and V.T.C.A., Occupations Code ch. 1903, or as defined by Title 22 of the Texas Administrative Code, Chapter 365, and required by V.T.C.A., Occupations Code ch. 1301.

Exemption: A homeowner is not required to be licensed in accordance with V.T.C.A., Occupations Code tit. 12, § 1903.002(c)(1) if the homeowner is performing irrigation work in a building or on a premises owned and occupied by the homeowner as the homeowner's homestead. A homeowner who installs an irrigation system must meet the standards contained in Title 30, Texas Administrative Code, Chapter 344, regarding spacing, water pressure, spraying water over impervious materials, rain and freeze sensors, backflow prevention and isolation valves.

(e) Permit. Any person or homeowner installing an irrigation system in the city is required to obtain a permit from the city. Any plan approved for a permit must be in compliance with the requirements of this appendix [section].

Exemptions:

(1) An irrigation system that is an on-site sewage disposal system, as defined by V.T.C.A., Health and Safety Code § 355.002; or

(2) An irrigation system used on or by an agricultural operation as defined by V.T.C.A., Agriculture Code § 251.002; or

(3) An irrigation system connected to a groundwater well used by the property owner for domestic use.

(f) Backflow prevention methods and devices.

(1) Any irrigation system that is connected to the potable water supply must be connected through a backflow prevention method approved by the Texas Commission on Environmental Quality (TCEQ). The backflow prevention device must be approved by: the American Society of Sanitary Engineers; the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California; the International Plumbing Code; or any other laboratory that has equivalent capabilities for both the laboratory and field evaluation of backflow prevention assemblies. The backflow prevention device must be installed in accordance with the laboratory approval standards or if the approval does not include specific installation information, the manufacturer's current published recommendations.

(2) If conditions that present a health hazard exist, one of the following methods must be used to prevent backflow:

a. An air gap may be used if:

1. There is an unobstructed physical separation; and

2. The distance from the lowest point of the water supply outlet to the flood rim of the fixture or assembly into which the outlet discharges is at least one inch or twice the diameter of the water supply outlet, whichever is greater.

b. Reduced pressure principle backflow prevention assemblies may be used if:

1. The device is installed at a minimum of 12 inches above ground in a location that will ensure that the assembly will not be submerged; and
 2. Drainage is provided for any water that may be discharged through the assembly relief valve.
- c. Pressure vacuum breakers may be used if:
1. No back-pressure condition will occur; and
 2. The device is installed at a minimum of 12 inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler.
- d. Atmospheric vacuum breakers may be used if:
1. No back-pressure will be present;
 2. There are no shutoff valves downstream from the atmospheric vacuum breaker;
 3. The device is installed at a minimum of six inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler;
 4. There is no continuous pressure on the supply side of the atmospheric vacuum breaker for more than 12 hours in any 24-hour period; and
 5. A separate atmospheric vacuum breaker is installed on the discharge side of each irrigation control valve between the valve and all the emission devices that the valve controls.
- (3) Backflow prevention devices used in applications designated as health hazards must be tested upon installation and annually thereafter.
- (4) If there are no conditions that present a health hazard, double check valve backflow prevention assemblies may be used to prevent backflow if the device is tested upon installation and test cocks are used for testing only.
- (5) If a double check valve is installed below ground:
- a. Test cocks must be plugged, except when the double check valve is being tested;
 - b. Test cock plugs must be threaded, water-tight, and made of non-ferrous material;
 - c. A y-type strainer is installed on the inlet side of the double check valve;
 - d. There must be a clearance between any fill material and the bottom of the double check valve to allow space for testing and repair; and

e. There must be space on the side of the double check valve to test and repair the double check valve.

(6) If an existing irrigation system without a backflow-prevention assembly requires major maintenance, alteration, repair, or service, the system must be connected to the potable water supply through an approved, properly installed backflow prevention method before any major maintenance, alteration, repair, or service is performed.

(7) If an irrigation system is connected to a potable water supply through a double check valve, pressure vacuum breaker, or reduced pressure principle backflow assembly and includes an automatic master valve on the system, the automatic master valve must be installed on the discharge side of the backflow prevention assembly.

(8) The irrigator shall ensure the backflow prevention device is tested by a licensed backflow prevention assembly tester prior to being placed in service and the test results provided to the local water purveyor and the irrigation system's owner or owner's representative within ten business days of testing of the backflow prevention device.

(g) Specific conditions and cross-connection control.

(1) Before any chemical is added to an irrigation system connected to the potable water supply, the irrigation system must be connected through a reduced pressure principle backflow prevention assembly or air gap.

(2) Connection of any additional water source to an irrigation system that is connected to the potable water supply can only be done if the irrigation system is connected to the potable water supply through a reduced-pressure principle backflow prevention assembly or an air gap.

(3) Irrigation system components with chemical additives induced by aspiration, injection, or emission system connected to any potable water supply must be connected through a reduced pressure principle backflow device.

(4) If an irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Title 30, Texas Administrative Code, Chapter 285, then:

a. All irrigation piping and valves must meet the separation distances from the on-site sewage facilities system as required for a private water line in Title 30, Texas Administrative Code, Section 285.91(10);

b. Any connections using a private or public potable water source that is not the city's potable water system must be connected to the water source through a reduced pressure principle backflow prevention assembly as defined in Title 30, Texas Administrative Code, Section 344.50; and

c. Any water from the irrigation system that is applied to the surface of the area utilized by the on-site sewage facility system must be controlled on a separate irrigation zone or zones so as to allow complete

control of any irrigation to that area so that there will not be excess water that would prevent the on-site sewage facilities system from operating effectively.

(h) Irrigation plan design: Minimum standards.

(1) An irrigator shall prepare an irrigation plan for each site where a new irrigation system will be installed. A paper or electronic copy of the irrigation plan must be on the job site at all times during the installation of the irrigation system. A drawing showing the actual installation of the system is due to each irrigation system owner after all new irrigation system installations. During the installation of the irrigation system, variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:

- a. Diminish the operational integrity of the irrigation system;
- b. Violate any requirements of this appendix [section]; and
- c. Go unnoted in red on the irrigation plan.

(2) The irrigation plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the irrigation plan.

(3) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:

- a. The irrigator's seal, signature, and date of signing;
- b. All major physical features and the boundaries of the areas to be watered;
- c. A North arrow;
- d. A legend;
- e. The zone flow measurement for each zone;
- f. Location and type of each:
 - 1. Controller; and
 - 2. Sensor (i.e., rain and freeze);
- g. Location, type, and size of each:
 - 1. Water source, including, but not limited to, a water meter and point(s) of connection;
 - 2. Backflow prevention device;
 - 3. Water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;

4. Valve, including but not limited to, zone valves, master valves, and isolation valves;

5. Pressure regulation component; and

6. Main line and lateral piping.

h. The scale used; and

i. The design pressure.

(i) Design and installation: Minimum requirements.

(1) No irrigation design or installation shall require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.

(2) Spacing.

a. The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure.

b. New irrigation systems shall not utilize above-ground spray emission devices in landscapes that are less than 48 inches not including the impervious surfaces in either length or width and which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, including, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.

c. Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.

(3) Water pressure. Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.

(4) Piping. Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride (PVC) pipe.

(5) Irrigation zones. Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.

(6) Matched precipitation rate. Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.

(7) Irrigation systems shall not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.

(8) Master valve. When provided, a master valve shall be installed on the discharge side of the backflow prevention device on all new installations.

(9) PVC pipe primer solvent. All new irrigation systems that are installed using PVC pipe and fittings shall be primed with a purple primer prior to applying the PVC cement in accordance with the International Plumbing Code, Section 605.

(10) Rain and freeze sensors.

a. Any commercial, industrial, multi-family, or residential customer class irrigation system installed within the city on or after January 1, 2009, must be equipped with rain and freeze sensors.

b. Any commercial, industrial, or multi-family customer class irrigation system installed within the city before January 1, 2009, may not be operated after January 1, 2010, without being equipped with rain and freeze sensors

c. Any residential customer class irrigation system installed within the city before January 1, 2009, may not be operated after January 1, 2011, without being equipped with rain and freeze sensors. If a person repairs or replaces more than 50 percent of a residential customer class irrigation system before January 1, 2011, then such irrigation system must be equipped with rain and freeze sensors.

d. Any rain and freeze sensor shall be installed according to the manufacturer's published recommendation and shall be from a list approved by the building official.

e. Repairs to existing automatic irrigation systems that require replacement of an existing controller shall include a rain and freeze sensor designed to inhibit or interrupt operation of the irrigation system during periods of freezing temperatures and rainfall.

(11) Isolation valve. All new irrigation systems must include a lockable isolation valve between the water meter and the backflow prevention device.

(12) Depth coverage of piping. Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.

a. If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the irrigation system owner or owner's representative to address any safety issues.

b. If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two inches of select backfill between the top of the pipe and the natural grade of the topsoil.

c. All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.

(13) Wiring irrigation systems.

a. Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.

b. Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.

c. Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.

d. Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six inches of select backfill.

(14) Water contained within the piping of an irrigation system is deemed to be non-potable. No drinking or domestic water usage, including, but not limited to, filling swimming pools or decorative fountains, shall be connected to an irrigation system. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box, and the hose bib and any hoses connected to the bib must be labeled "non potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.

(15) Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician shall be on-site at all times while the landscape irrigation system is being installed. When an irrigator is not on-site, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.

(j) Completion of irrigation system installation. Upon completion of the irrigation system, the irrigator or irrigation technician who provided supervision for the on-site installation shall be required to complete four items:

(1) A final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system.

(2) The maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation system's owner or owner's representative and shall sign, date, and seal the checklist. If

the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation system's owner or owner's representative's signature line. The irrigation system owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the irrigator. The items on the maintenance checklist shall include, but are not limited to:

a. The manufacturer's manual for the automatic controller, if the system is automatic;

b. A seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;

c. A list of components, such as the nozzle, pump filters, and other such components, that require maintenance and the recommended frequency for the service; and

d. The statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."

(3) A permanent sticker which contains the irrigator's name, license number, company name, telephone number, and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink.

(4) The irrigation plan indicating the actual installation of the system must be provided to the irrigation system's owner or owner representative.

(k) Maintenance, alteration, repair, or service of irrigation systems.

(1) The licensed irrigator is responsible for all work that the irrigator performed during the maintenance, alteration, repair, or service of an irrigation system during the warranty period. The irrigator or business owner is not responsible for the professional negligence of any other irrigator who subsequently conducts any irrigation service on the same irrigation system.

(2) All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be returned to the original grade with compacted select backfill.

(3) Purple PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, or service of an irrigation system in accordance with the International Plumbing Code, Section 605.

(4) When maintenance, alteration, repair, or service of an irrigation system involves excavation work at the water meter or backflow prevention device, a lockable isolation valve shall be installed, if an isolation valve is not present.

(l) Reclaimed water. Reclaimed water may be utilized in landscape irrigation systems if:

(1) There is no direct contact with edible crops, unless the crop is pasteurized before consumption;

(2) The irrigation system does not spray water across property lines that do not belong to the irrigation system's owner;

(3) The irrigation system is installed using purple components;

(4) The domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device, in accordance with Title 30, Texas Administrative Code, Section 290.47(i);

(5) A minimum of an eight-inch by eight-inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER — DO NOT DRINK" and "AGUA DE RECUPERACION — NO BEBER"; and

(6) Backflow prevention on the reclaimed water supply line shall be in accordance with city ordinances.

(m) Lawn and landscape irrigation restrictions.

(1) A person commits an offense if the person knowingly or recklessly irrigates, waters, or causes or permits the irrigation or watering of a lawn or landscape located on premises owned, leased, or managed by the person in a manner that causes:

a. A substantial amount of water to fall upon impervious areas instead of a lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

b. An irrigation system or other lawn or landscape watering device to operate during any form of precipitation.

(2) A person commits an offense if, on premises owned, leased, or managed by that person, the person operates an irrigation system or other lawn or landscape watering device that:

a. Has any broken or missing sprinkler head; or

b. Has not been properly maintained in a manner that prevents the waste of water.

SECTION 3: That Chapter 54, "Fire Protection and Prevention" and Appendix D-"Fee Schedule" of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

Chapter 54 - FIRE PREVENTION AND PROTECTION; EMERGENCY MEDICAL SERVICES[1]

ARTICLE III. - FIRE PREVENTION^[4]

Footnotes: --- (4) ---

Editor's note— Ord. No. 2003-17, adopted February 24, 2003, repealed and reenacted article III in its entirety to read as herein set out. Formerly, article III pertained to similar subject matter and derived from the Code of 1961, §§ 8-5—8-17, and Ord. No. 98-24, adopted September 14, 1998.

Cross reference— Fire prevention in tourist courts, § 62-248; natural gas service, § 130-431 et seq.

Sec. 54-86. - International Fire Code; and amendments.

- (a) *Adopted.* The International Fire Code, 2015⁸ edition, (IFC) including appendixes, B, D, E, F, G, H and I thereto, as published by the International Code Council, Inc. are hereby adopted and incorporated by reference as the fire code of the city, subject to and including by reference such amendments as shall appear in this article.
- (b) *Amendments, modifications, and deletions to the 2015⁸ International Fire Code.* Amendments, modifications, and deletions to the 2015⁸ International Fire Code are adopted as follows:

Section 103.2 is deleted.

~~Section 108.1 is amended to read as follows:~~

~~108.1 Construction board of appeals. The construction board of appeals will hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code.~~

Section 409.4 ^{110.4} is amended to read as follows:

409.4. ^{110.4} Violation penalties. Persons who violate this code or who fail to comply with any of the requirements in this code, or who erect, install, alter, repair or do work in violation of the approved construction documents or contrary to the directives of the fire code official or in violation of a permit or certificate issued under provisions of this code, shall be assessed a fine up to \$2,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 414.4 ^{112.4} is amended to read as follows:

414.4. ^{112.4} Failure to comply. Any person who continues work after having been served with a stop work order, except such work the code official has directed to be performed to remedy a violation or unsafe condition, shall be subjected to a fine not to exceed \$2,000.

The following definitions in Section 202 are amended to read as follows:

~~Code official. The Code Official is the Building Official except where specifically described as the Fire Code Official. The building official shall have the authority to render interpretations of all of these codes and ordinances and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of these codes and ordinances. The building official will be the final authority in any disputes of any interpretations of or any conflicts between these codes and ordinances. The building official is also the final authority in determining who will apply and enforce these codes and ordinances.~~

~~Fire Code official. The fire marshal or a duly authorized representative charged with the duties of administration and enforcement of the Fire Code.~~

~~Fire Watch. A temporary measure intended to ensure continuous and systematic surveillance of a building and portion thereof by one (1) or more fire marshal approved individuals for the purpose of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire, and notifying the fire department.~~

~~Section 307 is amended to read as follows:~~

~~307.2. Permits. A permit or authorization from the fire code official shall be obtained in accordance with § 105.6 before engaging in open trench burning or open air burning of dead livestock.~~

~~307.2.2. Some fires prohibited. The fire code official may prohibit any or all burning, including permit burning, when the atmospheric conditions or circumstances make such fires hazardous.~~

~~Section 308.1.4 is amended to read as follows:~~

~~308.1.4 Outdoor cooking. It is unlawful to use or to store a charcoal burner, open flame, LP gas burner, outdoor grill, barbecue, or other outdoor cooking appliance with open flame on the premises of a residential building with three or more dwelling units or of a multifamily residential building with two or more stories. The provision does not apply to the use of permanently mounted outdoor cooking devices located ten or more feet from any structure.~~

~~Section 401.1 is amended by deleting the exception.~~

~~Section 503.2.7 is amended to read as follows:~~

~~503.2.7 Grade. The grade of the fire apparatus access road shall not exceed 6 percent in grade.~~

~~Exception: Grades steeper than 6 percent as approved by the fire code official.~~

~~Section 503.3 is amended to read as follows:~~

~~503.3 Marking. Approved markings, signs, or other notices to identify such roads or prohibit the obstruction thereof shall be provided for fire apparatus access roads. The fire code official shall provide the acceptable standards and specifications. Signs, markings, and other notices shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility.~~

~~Section 503.4.1 is amended to read as follows:~~

~~503.4.1 Traffic Calming Devices. Traffic calming devices on public and private streets shall be approved by the fire code official and the city engineer. Traffic calming devices on fire apparatus access roadways in private property shall be prohibited unless approved by the fire code official.~~

~~Section 505.1 is amended to read as follows:~~

~~505.1. Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street and/or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches high with a minimum stroke width of ½ inch. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.~~

~~Section 506.1 is amended to read as follows:~~

~~506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in a approved location.~~

Section 507.2.1 is amended to read as follows:

507.2.1 Public and private fire service mains. Public and private fire service mains and appurtenances shall be installed in accordance with NFPA 24.

~~Section 507.3 is amended to read as follows:~~

~~507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by using the Insurance Services Office (ISO) Guide for Determination of Needed Fire Flow (Edition 06-2014).~~

~~Exceptions:~~

- ~~1. Every fire hydrant shall be capable of providing a minimum flow of 500 GPM in areas zoned residential and 1500 GPM in areas zoned commercial or industrial.~~
- ~~2. Fire hydrant flows for buildings, excluding 1 or 2 family dwellings, provided with fire sprinkler systems shall be the required fire flow of the fire sprinkler system plus 500 GPM or a minimum of 1000 GPM, whichever is greater.~~
- ~~3. The fire flow requirements listed in this section shall be met with a minimum of 20 psi residual~~

~~Section 507.5.1 is amended to read as follows:~~ exclude exception 1.

~~507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 500 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.~~

~~Exceptions:~~

- ~~1. Hydrants shall be spaced not over 600 feet away from the facility or building in residential (one and two family dwelling) areas, and not over 300 feet away from the facility or building in commercial or industrial zoned areas, including heavily congested residential areas.~~
- ~~2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet.~~

~~Section 507.5.1.1 is amended to read as follows:~~

~~507.5.1.1 Hydrant for fire department connections. Buildings or facilities equipped with a fire sprinkler system or a fire standpipe system shall have a fire hydrant located within 100 feet of the fire department connections.~~

~~Exceptions: The distance shall be permitted to exceed 100 feet where approved by the fire code official.~~

~~Section 507.5.3 is amended to read as follows:~~

~~507.5.3 Water mains. Public and private fire service mains shall be installed, inspected, tested and maintained in accordance with the following requirements:~~

- ~~1. Water mains shall be at least 8 inches and large enough to supply the required fire flows.~~
- ~~2. New 8 inch mains longer than 1320 feet must be looped.~~

- ~~3. 6 inch lead lines for fire hydrants shall not exceed 100 feet, and in no case, reduce the amount of required fire flow.~~
- ~~4. Primate mains, tanks, and hydrants shall be installed, inspected, tested and maintained in accordance with the requirements of the most current editions of NFPA 24 and NFPA 25.~~

Section 507.5 is amended by adding the following:

507.5.7 Fire hydrant marking. All fire hydrants located within the city, or its extraterritorial jurisdiction, shall be identified with a blue reflector affixed to the pavement so that the hydrant is readily visible to arriving fire companies. On unpaved streets, a blue reflector shall be fixed to a post as close as practicable to the edge of the roadway so as to be visible. Specifications and type and placement locations of markers shall be obtained from the fire code official.

Section 903.3.1.1.2 is deleted.

Section 1103.5.1 is amended to read as follows:

1103.5.1 Group A-2.

Where alcoholic beverages are consumed in a Group A-2 occupancy having an occupant load of 300 or more, the fire area containing the Group A-2 occupancy shall be equipped with an *automatic sprinkler system* in accordance with Section 903.3.1.1. Building owners shall file a compliance schedule with the fire code official not later than 365 days after receipt of a written notice of violation. The compliance schedule shall not exceed 3 years for an automatic sprinkler system retrofit.

Appendix D to be amended as follows:

SECTION D107

ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
3. Where there are more than 30 but less than 126 dwelling units on a single public or private fire apparatus access road and this access road is at least 40 feet wide, access from two directions shall not be required.

(Ord. No. 2003-17, 2-24-03; Ord. No. 2004-17, 3-8-04; Ord. No. 2008-65, § 2, 9-22-08; Ord. No. 2010-79, § 1, 10-25-10; Ord. No. 2015-36, § 1(Exh. A), 7-13-15; Ord. No. 2015-65, § 1(Exh. A), 11-9-15)

Sec. 54-87. - Fire prevention and protection fees.

Fees are as adopted in appendix D of this Code.

(Ord. No. 2003-17, 2-24-03; Ord. No. 2004-17, 3-8-04; Ord. No. 2008-65, § 2, 9-22-08; Ord. No. 2009-32, § 1, 5-26-09; Ord. No. 2010-78, § 1, 10-25-10; Ord. No. 2018-21, § 6, 3-26-18)

Sec. 54-88. - Smoke detectors.

Every dwelling and every dwelling unit within an apartment, house, condominium, townhouse, and every guest or sleeping room in a motel, hotel, dormitory, one-family and two-family dwelling unit which is rented or leased, shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendation and listing. In dwellings and dwelling units, a smoke detector shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to each group of rooms used for sleeping purposes. The landlord or agents of the landlord are responsible for installing smoke detectors in all residential dwelling units, as listed in this section, which are rented or leased. The landlord shall install at least one smoke detector prior to possession by a tenant. The landlord shall also test the smoke detector to verify that it is in good working order when a tenant takes possession of the dwelling. The landlord further has a duty to inspect or repair malfunctioning smoke detectors unless damage to the detector was caused by the tenant and tenant's family or guests. The landlord has a duty to inspect or repair damaged units if the tenant pays in advance for the reasonable cost of repair or replacement.

(Ord. No. 2003-17, 2-24-03)

Sec. 54-89. - Establishment of motor vehicle routes—For vehicles transporting explosives and blasting agents.

The routes referred to in the state law for vehicles transporting explosives and blasting agents are hereby established as follows: Such vehicles shall be restricted to railroads, state and federal highways, and M-2 industrial districts.

(Ord. No. 2003-17, 2-24-03)

Cross reference— Operation of vehicles, § 126-91 et seq.

Sec. 54-90. - Same—For vehicles transporting hazardous chemicals or other dangerous articles.

The routes for vehicles transporting hazardous chemicals or other dangerous articles are hereby established as follows: Such vehicles shall be restricted to railroads, state and federal highways, and M-2 industrial districts.

(Ord. No. 2003-17, 2-24-03)

Cross reference— Operation of vehicles, § 126-91 et seq.

~~Sec. 54-91. Violations declared nuisances: extraterritorial application.~~

~~(a) The following are declared public nuisances:~~

~~(1) The possession, storage, or discharge, of fireworks; or~~

~~(2) Any violation of article III, Fire prevention, which poses a serious danger to the safety of persons or property.~~

~~(b) It is unlawful for a person to create or maintain a public nuisance, or to engage in any activity that constitutes a public nuisance, within the city limits or within 5,000 feet of the city limits.~~

(Ord. No. 2006-88, § 1, 9-11-06; Ord. No. 2015-51, § 1, 10-12-15)

Editor's note— Ord. No. 2006-88, § 1, adopted September 11, 2006, amended § 54-91 in its entirety to read as herein set out. Formerly, § 54-91 pertained to the manufacture and sale of fireworks, and derived from Ord. No. 2003-17, adopted February 24, 2003.

State Law reference— Extent of extraterritorial jurisdiction, V.T.C.A., Local Government Code § 42.021.

Secs. 54-92—54-120. - Reserved.

APPENDIX D - FEE SCHEDULE amended as follows:

Sec. B. - Additional fees specific to building permitting.

(b) Building permit fees for new construction or new additions, shall be calculated on square footage using the following table identified as Building Permit Fee Schedule B which is dependent upon the use and construction type.

(1) Buildings with multiple (mixed) use groups shall be charged the applicable fee per use group.

(2) Shell buildings shall be charged a fee based on 80 percent of the calculated permit fee (0.80 x permit fee).

(3) When proposed work involves both remodel of existing and new construction/addition, the fee for the remodel will be based on the remodel valuation and the fee for the new construction/addition shall be based on the square footage.

(4) Permit fees are derived from ICC's 2012- [most current published](#) Building Valuation Data (BVD) fee schedule using a spreadsheet that has been set with an appropriate multiplier.

Reference Tables:*Occupancy Group Definitions*

| IBC Occupancy Group | ICC BVD Uses | 2015 ICC Uses |
|---------------------|--|---|
| A-1 | Assembly, theaters, with stage | Theaters, auditoriums |
| A-1a | Assembly, theaters, without stage | Theaters, auditoriums |
| A-2 | Assembly, nightclubs | |
| A-2a | Assembly, restaurants, bars, banquet halls | Restaurants |
| A-3 | Assembly, churches | Churches |
| A-3a | Assembly, general, community halls, libraries, museums | Bowling alleys, libraries |
| A-4 | Assembly, arenas | |
| B | Business | Banks, medical office, office |
| E | Educational | Schools |
| F-1 | Factory and industrial, moderate hazard | Industrial plants |
| F-2 | Factory and industrial, low hazard | Industrial plants |
| H-1 | High Hazard, explosives | |
| H-2,3,4 | High Hazard | |
| H-5 | HPM | |
| I-1 | Institutional, supervised environment | Convalescent hospitals, homes for the elderly |
| I-2 | Institutional, incapacitated | Hospitals |

| | | |
|------|--|---|
| I-2a | Institutional | Nursing homes |
| I-3 | Institutional, restrained | Jails |
| I-4 | Institutional, day care facilities | |
| M | Mercantile | Stores, service stations (mini-marts) |
| R-1 | Residential, hotels | Hotels and motels |
| R-2 | Residential, multiple family | Apartment houses |
| R-3 | Residential, one- and two-family | Dwellings |
| R-4 | Residential care, assisted living facilities | |
| S-1 | Storage, moderate hazard | Service stations (canopies and service bays), warehouses |
| S-2 | Storage, low hazard | Public garages, warehouse |
| U | Utility, miscellaneous | Residential garage, private garage |

Construction Types

| Type of User | Construction Type and Circumstances |
|----------------------|---|
| Single-Family | Use R-3 Under Occupancy Group and VB under Construction Type for all aspects of all Single Family projects. |
| Small Businesses | Construction type for commercial projects/businesses varies according to type of material and size of project. Note that alterations or additions valued at \$50,000.00 or more and new construction projects valued at \$100,000.00 or more must involve a licensed design professional. |
| Design Professionals | Designer or design professional that prepared the plans for the building for which a building permit is sought may submit a building permit application. However, a permit can only be issued to a registered contractor. |

The International Code Council using the Marshall Valuation Service, as published by the Marshall and Swift Publication Company, Los Angeles, California, has compiled this building valuation table. ICC has developed this data to aid jurisdictions in determining fees.

| Group (2012 International Building Code) | IA | IB | IIA | IIB | IIIA | IIIB | IV | VA | VB |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| A-1 Assembly, theaters, with stage | 212.00 | 204.85 | 199.65 | 191.24 | 179.60 | 174.56 | 184.86 | 164.20 | 157.69 |
| A-1 Assembly, theaters, without stage | 194.08 | 186.93 | 181.72 | 173.31 | 161.68 | 156.64 | 166.93 | 146.29 | 139.78 |
| A-2 Assembly, nightclubs | 166.35 | 161.60 | 157.13 | 150.84 | 141.62 | 137.83 | 145.25 | 128.47 | 123.67 |
| A-2 Assembly, restaurants, bars, banquet halls | 165.35 | 160.60 | 155.13 | 149.84 | 139.62 | 136.83 | 144.25 | 126.47 | 122.67 |
| A-3 Assembly, churches | 195.96 | 188.81 | 183.60 | 175.20 | 163.70 | 158.66 | 168.82 | 148.30 | 141.80 |
| A-3 Assembly, general, community halls, libraries, museums | 163.95 | 156.80 | 150.60 | 143.19 | 130.66 | 126.63 | 136.81 | 115.27 | 109.76 |
| A-4 Assembly, arenas | 193.08 | 185.93 | 179.72 | 172.31 | 159.68 | 155.64 | 165.93 | 144.29 | 138.78 |
| B Business | 169.14 | 162.95 | 157.42 | 149.72 | 135.78 | 130.75 | 143.54 | 119.31 | 113.65 |
| E Educational | 178.16 | 172.02 | 166.90 | 159.29 | 148.37 | 140.44 | 153.73 | 129.09 | 124.71 |
| F-1 Factory and industrial, moderate hazard | 100.75 | 96.02 | 90.26 | 86.94 | 77.68 | 74.37 | 83.16 | 64.01 | 60.19 |
| F-2 Factory and industrial, low hazard | 99.75 | 95.02 | 90.26 | 85.94 | 77.68 | 73.37 | 82.16 | 64.01 | 59.19 |
| H-1 High Hazard, explosives | 94.40 | 89.68 | 84.92 | 80.59 | 72.52 | 68.22 | 76.82 | 58.86 | 0.00 |

| | | | | | | | | | |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| H234 High Hazard | 94.40 | 89.68 | 84.92 | 80.59 | 72.52 | 68.22 | 76.82 | 58.86 | 54.03 |
| H-5 HPM | 169.14 | 162.95 | 157.42 | 149.72 | 135.78 | 130.75 | 143.54 | 119.31 | 113.65 |
| I-1 Institutional, supervised environment | 168.08 | 162.18 | 157.65 | 150.82 | 138.52 | 134.86 | 146.99 | 124.28 | 119.86 |
| I-2 Institutional, hospitals | 287.21 | 281.02 | 275.49 | 267.79 | 252.87 | 0.00 | 261.61 | 236.40 | 0.00 |
| I-2 Institutional, nursing homes | 198.55 | 192.37 | 186.83 | 179.13 | 165.20 | 0.00 | 172.95 | 148.74 | 0.00 |
| I-3 Institutional, restrained | 192.65 | 186.47 | 180.93 | 173.23 | 160.79 | 154.76 | 167.05 | 144.32 | 136.66 |
| I-4 Institutional, day care facilities | 168.08 | 162.18 | 157.65 | 150.82 | 138.52 | 134.86 | 146.99 | 124.28 | 119.86 |
| M Mercantile | 123.91 | 119.17 | 113.69 | 108.40 | 98.85 | 96.06 | 102.82 | 85.70 | 81.90 |
| R-1 Residential, hotels | 169.51 | 163.62 | 159.09 | 152.26 | 140.12 | 136.46 | 148.59 | 125.88 | 121.46 |
| R-2 Residential, multiple family | 142.14 | 136.24 | 131.71 | 124.88 | 113.41 | 109.75 | 121.89 | 99.18 | 94.76 |
| R-3 Residential, one- and two-family | 133.78 | 130.13 | 126.82 | 123.67 | 118.74 | 115.78 | 119.75 | 110.94 | 103.92 |
| R-4 Residential, care/assisted living facilities | 168.08 | 162.18 | 157.65 | 150.82 | 138.52 | 134.86 | 146.99 | 124.28 | 119.86 |
| S-1 Storage, moderate hazard | 93.40 | 88.68 | 82.92 | 79.59 | 70.52 | 67.22 | 75.82 | 56.86 | 53.03 |
| S-2 Storage, low hazard | 92.40 | 87.68 | 82.92 | 78.59 | 70.52 | 66.22 | 74.82 | 56.86 | 52.03 |
| U Utility, miscellaneous | 71.08 | 67.13 | 62.83 | 59.33 | 53.24 | 49.79 | 56.48 | 41.64 | 39.44 |

SECTION 4: That all provisions hereof 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 remain in full force and effect.

SECTION 5: All other ordinances or parts of ordinances in conflict herewith are repealed to the extent that they are in conflict.

SECTION 6: This ordinance shall become effective upon its second and final reading by the City Council.

PASSED AND APPROVED: First reading this the _____ day of _____, 2019.

PASSED AND APPROVED: Second and final reading this the _____ day of _____, 2019.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

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 amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Oak Run Parkway.

BACKGROUND / RATIONALE:

Council District: 3

City Council unanimously approved the first reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Oak Run Parkway on January 14, 2019.

In November 2018, City Council approved a No Through Truck restriction on Oak Run Parkway between Loop 337 and SH 46. The ordinance that was passed should have added this section onto the existing through truck restriction from SH 46 to Oak Brook Drive, but instead replaced that section with the newly requested section. This ordinance is to correct that and create a through truck restriction on Oak Run Parkway between Oak Brook Drive and Loop 337.

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

2006 Comprehensive Plan: Transportation Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative and continuing transportation system planning and development.

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends correcting the through truck restriction on Oak Run Parkway to be between Oak Brook Drive and Loop 337.

ORDINANCE NO. 2019-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-186 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT THROUGH TRUCK TRAFFIC ON OAK RUN PARKWAY.**

WHEREAS, City Council has determined 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, Section 126-186, Through trucks prohibited, is amended to read:

(a) Through trucks are prohibited on the following roads:

(5) Oak Run Parkway between Oak Brook Drive and Loop 337.

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.

This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within the City of New Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

IV.

That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

V.

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

1/28/2019

Agenda Item No. G)

Presenter/Contact

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

SUBJECT:

Approval of the second and final reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Saur Lane and Barbarosa Road.

BACKGROUND / RATIONALE:

Council Districts: 2 and 5

City Council unanimously approved the first reading of an ordinance amending Section 126-186 of the Code of Ordinances to prohibit through truck traffic on Saur Lane and Barbarosa Road on January 14, 2019.

The Engineering Division received a request from a citizen to establish a No Through Truck restriction on Saur Lane between Barbarosa Road and FM 758 due to concerns related to through commercial truck traffic, specifically gravel trucks and commercial delivery trucks, on a narrow roadway. Saur Lane is a 20 foot wide street with a posted speed limit of 30 mph.

Through truck restrictions apply to any truck that is traveling and not bound for a destination along the specified roadway. Delivery or service trucks driving to a destination along a route with through truck restrictions are not prohibited from these roads because they are not through traffic.

At the request of the Transportation and Traffic Advisory Board, staff researched exemptions for agricultural trucks for this request because of the farm land surrounding the requested roadway. Currently, no exemptions exist for agricultural trucks on a road with a through truck restriction in either state or federal code. However, there is a definition of a 'covered farm vehicle' in Title 49 of the Code of Federal Regulations (49 CFR) that describes the type of agricultural trucks that would be using this route. Staff is recommending referencing this definition to provide an agricultural exemption for through truck traffic on the requested roadway in the city's code of ordinances.

The New Braunfels Police Department and Public Works Department are in favor of restricting trucks on Saur Lane/Barbarosa Road (Saur Lane is the road name in Guadalupe County and Barbarosa Road is the road name in Comal County) between FM 1101 and FM 758 due to the roadway width and sharp curves. SH 46 is a more acceptable route for these types of vehicles that are traveling between FM 1101 and FM 758.

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

2006 Comprehensive Plan: Transportation Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative and continuing transportation system

planning and development.

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funds are available in the FY 2018-19 approved Public Works budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously recommended the creation of a through truck restriction on Saur Lane and Barbarosa Road between FM 1101 and FM 758 with an exemption for through agricultural trucks at their meeting on December 13, 2018.

STAFF RECOMMENDATION:

Staff recommends creating a truck restriction on Saur Lane and Barbarosa Road between FM 1101 and FM 758 with an exemption for through agricultural trucks.

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-1 AND SECTION 126-186 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT THROUGH TRUCK TRAFFIC ON SAUR LANE AND BARBAROSA ROAD.

WHEREAS, to update the Traffic and Vehicles ordinance to include a definition of a covered farm vehicle; and

WHEREAS, City Council has determined 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 Chapter 126 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

Sec. 126-1. – Definitions.

Covered farm vehicle means any vehicle as defined as a covered farm vehicle in Title 49 of the Code of Federal Regulations §390.5.

Sec. 126-186. – Through trucks prohibited.

Through trucks are prohibited on the following roads:

(30) Saur Lane and Barbarosa Road between FM 1101 and FM 758, with the exception of covered farm vehicles.

II.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. 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.

III.

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.

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

Sec. 126-1. - 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:

Covered farm vehicle means any vehicle as defined as a covered farm vehicle in Title 49 of the Code of Federal Regulations §390.5.

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions, Vernon's Ann. Civ. St. art. 6701d, §§ 1 et seq., 20A.

Sec. 126-186. - Through trucks prohibited.

Through trucks are prohibited on the following roads:

(30) Saur Lane and Barbarosa Road between FM 1101 and FM 758, with the exception of covered farm vehicles.

(Ord. No. 2016-20, §§ I, II, 4-25-2016; Ord. No. 2017-85, § I, 10-23-17)



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. H)

Presenter/Contact

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

SUBJECT:

Approval of the second and final reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking along a portion of East Nacogdoches Street.

BACKGROUND / RATIONALE:

Council District: 5

City Council unanimously approved the first reading of an ordinance amending Section 126-346 of the Code of Ordinances to restrict parking along a portion of East Nacogdoches Street on January 14, 2019.

Engineering staff received a request to restrict parking along the north side of East Nacogdoches Street between Kuehler Avenue and Karbach Avenue due to concerns about narrow streets and asphalt maintenance. This section of East Nacogdoches Street is approximately 23 feet wide. Vehicles parking on the north side of this section of East Nacogdoches Street are pulling off of the asphalt to allow for travel lanes to remain clear, but this causes the edge of the asphalt to require more maintenance as it breaks with vehicles driving over it.

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

2006 Comprehensive Plan: Transportation Goal 21: Provide a system of convenient and safe transportation facilities through comprehensive, cooperative, and continuing transportation system planning and development.

FISCAL IMPACT:

Traffic control signs cost approximately \$150 each. Sufficient funds are available in the FY 2018-19 Public Works budget.

COMMITTEE RECOMMENDATION:

The Transportation and Traffic Advisory Board unanimously approved a parking restriction along the north side of East Nacogdoches Street from the intersection with Kuehler Avenue to Karbach Avenue at their meeting on December 13, 2018.

STAFF RECOMMENDATION:

Staff recommends approval of establishing a no parking zone along the north side of East Nacogdoches Street from the intersection with Kuehler Avenue to Karbach Avenue.



Proposed No Parking Zone on East Nacogdoches Street

ORDINANCE NO. 2019-_____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 126-346 OF THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES TO RESTRICT PARKING ON A PORTION OF EAST NACOGDOCHES STREET.**

WHEREAS, after engineering and field investigation, the Transportation and Traffic Advisory Committee and the City Engineer have 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 City of New Braunfels Code of Ordinances Section 126-346 (f) is hereby amended as follows:

- (120) On the north side of East Nacogdoches Street from the intersection with Kuehler Avenue to Karbach Avenue. Such no parking zone shall be designated as a tow away zone.

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 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 remain in full force and effect.

IV.

All other ordinances or parts of ordinances in conflict herewith are repealed to the extent that they are in conflict.

V.

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

1/28/2019

Agenda Item No. A)

Presenter/Contact

Robert Camareno, City Manager
rcamareno@nbtexas.org

SUBJECT:

Discuss and consider direction for the City Manager to identify property, negotiate, and enter into a Letter of Intent for approximately five acres to be used for a future Southeast Library Branch.

BACKGROUND / RATIONALE:

City Council adopted the Library Master Plan in 2013 which identified the need to locate a Library Branch in the southeast portion of the city of New Braunfels. In 2018, a preliminary design was performed for the Proposed Southeast Library Branch which identified a need for five acres of land to be acquired.

Staff would like to begin the process of locating a proposed site and requests approval from City Council for the City Manager to enter into a Letter of Intent to purchase the property when funds become available.

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

N/A

FISCAL IMPACT:

There will be minimal fiscal impact related to entering into a Letter of Intent.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the City Council direct the City Manager to identify property, negotiate, and enter into a Letter of Intent for approximately five acres to be used for a future Southeast Library Branch.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. B)

Presenter/Contact

*Jared Werner, CFO, and Bart Fowler, City Bond Counsel
(830) 221-4395 - jwerner@nbtexas.org*

SUBJECT:

Public hearing and approval of the first reading of an ordinance enlarging the boundaries of Reinvestment Zone Number One, City of New Braunfels, Texas; amending the project plan and finance plan for the zone to reflect the increased boundaries and include the Phase II Project; amending an economic development agreement between the City of New Braunfels, Texas and A-L 95 Creekside Town Center, L.P. to include the Phase II Project Improvements and estimated costs related thereto; authorizing the execution of a Phase II Tax Increment Participation interlocal agreement; and other matters in connection therewith.

BACKGROUND / RATIONALE:

The item presented this afternoon bifurcates two separate action items. First, is the approval of an amendment to the Project and Financing Plan for the zone to include Phase II project improvements and project costs. These improvements and estimated costs have been incorporated into the attached plan. The specifics of the Phase II expansion and associated infrastructure improvements were presented to the Tax Increment Reinvestment Zone (TIRZ) board on July 30, 2018 and January 10, 2019.

The second action item is tied to the expansion of the TIRZ boundaries to incorporate a piece of land currently owned by the City of New Braunfels. This site is ideal for Fire Station #7 and the proposed Fire Training Center. The attached map reflects the boundaries of the TIRZ should the additional property be included.

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

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|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|

FISCAL IMPACT:

The expansion of the TIRZ boundaries does not have a fiscal impact. The property to be included is already owned by the City of New Braunfels. Therefore, there will be no net impact to the City or TIRZ from this expansion. As presented by the Developer of Creekside, the amendment to the Project and Financing Plan allows for an additional reimbursement to occur. This reimbursement will be limited to \$3,500,000 (construction costs) and will only come from property taxes and sales taxes generated within this new expansion. Moreover, the reimbursement will be paid on a "pay as you go" basis, meaning as the development and subsequent increment occurs.

COMMITTEE RECOMMENDATION:

The TIRZ Board of Directors unanimously recommends approval.

STAFF RECOMMENDATION:

Staff recommends approval of the ordinance.

ORDINANCE NO. 2019-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ENLARGING THE BOUNDARIES OF REINVESTMENT ZONE NUMBER ONE, CITY OF NEW BRAUNFELS, TEXAS; AMENDING THE PROJECT PLAN AND FINANCE PLAN FOR THE ZONE TO REFLECT THE INCREASED BOUNDARIES AND INCLUDE THE PHASE II PROJECT; AMENDING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS, TEXAS AND A-L 95 CREEKSIDE TOWN CENTER, L.P. TO INCLUDE THE PHASE II PROJECT IMPROVEMENTS AND ESTIMATED COSTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT; AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "Council") of the City of New Braunfels, Texas (the "City") adopted Ordinance No. 2007-45 on May 29, 2007, which designated Reinvestment Zone Number One, City of New Braunfels, Texas (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

WHEREAS, the Council adopted Ordinance No. 2007-59 on July 9, 2007, which adopted the Project Plan and Finance Plan for the Zone (the "Project and Financing Plan"); and

WHEREAS, the Council adopted Ordinance No. 2010-85 on November 22, 2010, which enlarged the boundaries of the Zone by approximately 18 acres; and

WHEREAS, the City desires to further enlarge the boundaries of the Zone by adding a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to Section 311.007 of the Act; and

WHEREAS, the City desires to amend the Project and Financing Plan to include the increase of the geographic boundaries of the Zone for the City's fire station and fire training facility as depicted on the attached Exhibit A and the Phase II Project Improvements and estimates of Phase II Project Costs as set forth in the Amended Project and Financing Plan attached as Exhibit B; and

WHEREAS, A-L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer") has completed the Project and the Project Improvements as such terms are defined in the Economic Development Agreement between the City and the Developer dated March 12, 2007 (the "Economic Development Agreement") and described herein as the Phase I Project; and

WHEREAS, the City desires to amend the Economic Development Agreement to include an additional mixed-use phase totaling up to 500,000 square feet, with estimated construction costs and aggregate reimbursement to the Developer from lawfully available Zone revenues in an amount not to exceed \$3,500,000, plus reimbursement of the Developer's interest on any

expenditure authorized in the Amended Project and Financing Plan for a period of up to two years after the expenditure of funds by the Developer, located within the Zone boundaries ("Phase II Project") and establish a Phase II Tax Increment Fund related thereto which will only be funded from lawfully available funds after satisfaction of all currently existing obligations of the Zone, including any outstanding bonds of the Zone, as set forth in the Amendment to Economic Development Agreement attached as Exhibit D; and

WHEREAS, the City entered into a Tax Increment Participation Interlocal Agreement for the Zone with Comal County, Texas (the "County"), the Board of Directors of the Zone (the "Zone Board"), and the Developer on July 26, 2007 pursuant to Section 311.013 of the Act (as amended, the "Tax Increment Participation Interlocal Agreement") to permit the taxing units within the Zone to pay into the Tax Increment Fund tax increment produced from property located within the entirety of the Zone; and

WHEREAS, the City desires to execute a Phase II Tax Increment Participation Interlocal Agreement with the County, Zone Board and Developer (the "Phase II Agreement" attached hereto as Exhibit E) to permit the taxing units within the Zone to pay into the Phase II Tax Increment Fund, to the extent funds are lawfully available and all obligations have been satisfied, accrued or generated from property located within the boundaries of the Phase II Project as depicted in Exhibit C; and

WHEREAS, on January 10, 2019, the Zone Board adopted an amendment to the Project and Financing Plan (the "Amended Project and Financing Plan," attached herein as Exhibit F), increasing the geographic area of the zone for the City's fire station and training facility as depicted on the attached Exhibit A, and approved the Amended Project and Financing Plan; and

WHEREAS, on January 10, 2019, the Zone Board recommended that the City adopt the Amended Project and Financing Plan; and

WHEREAS, pursuant to the Act, the City must amend the Project and Financing Plan by ordinance; and

WHEREAS, notice of a public hearing to be held on January 28, 2019, was duly published in the *New Braunfels Herald-Zeitung* in its issue dated January 18, 2019, in compliance with Section 311.003(c) of the Act; and

WHEREAS, a public hearing was held on January 28, 2019, at 6 p.m. in City Hall, New Braunfels, Texas (the "Hearing") to consider the amendment to the Project and Financing Plan at which time the City provided a reasonable opportunity for protest in accordance with Section 311.003(d) of the Act; and

WHEREAS, the Council hereby finds and determines that the adoption of this Ordinance is in the best interests of the citizens of New Braunfels, Texas; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

SECTION 1. The City, after conducting the Hearing and having heard such evidence and testimony, has made the following findings and determinations based upon the testimony presented:

- (a) That the Hearing on the proposed Amended Project and Financing Plan has been properly called, held and conducted and that notices of the Hearing have been published at least seven (7) days before the Hearing in a newspaper of general circulation in the City.
- (b) That the boundaries of the Zone should be increased by adding approximately 4.5 acres of land to the Zone so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A.

SECTION 2. The Project and Financing Plan is hereby amended to: (i) reflect the increase of the geographic boundaries of the Zone for the City's fire station and fire training facility as depicted on the attached Exhibit A and (ii) incorporate the addition of the Phase II Project.

SECTION 3. The Council hereby approves the Project and Financing Plan for the Zone, as amended herein.

SECTION 4. The Economic Development Agreement is hereby amended to include the Phase II Project and costs related thereto and establish a Phase II Tax Increment Fund.

SECTION 5. The execution by the City of the Phase II Agreement is hereby authorized.

SECTION 6. The officers of the City are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

SECTION 7. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 8. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 9. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 11. It is officially found, determined, and declared that the meeting at which this Ordinance 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 Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 12. This Ordinance shall be in force and effect from and after its final passage and it is so ordained.

[The remainder of this page intentionally left blank.]

FIRST READING on the 28th day of January, 2019.

SECOND AND FINAL READING, PASSED, AND ADOPTED on the __ day of _____, 2019.

CITY OF NEW BRAUNFELS

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary
(City Seal)

APPROVED AS TO LEGALITY:

Valeria Acevedo, City Attorney

EXHIBIT A

[Map and Boundaries of Added Acreage to Reinvestment Zone No. 1]

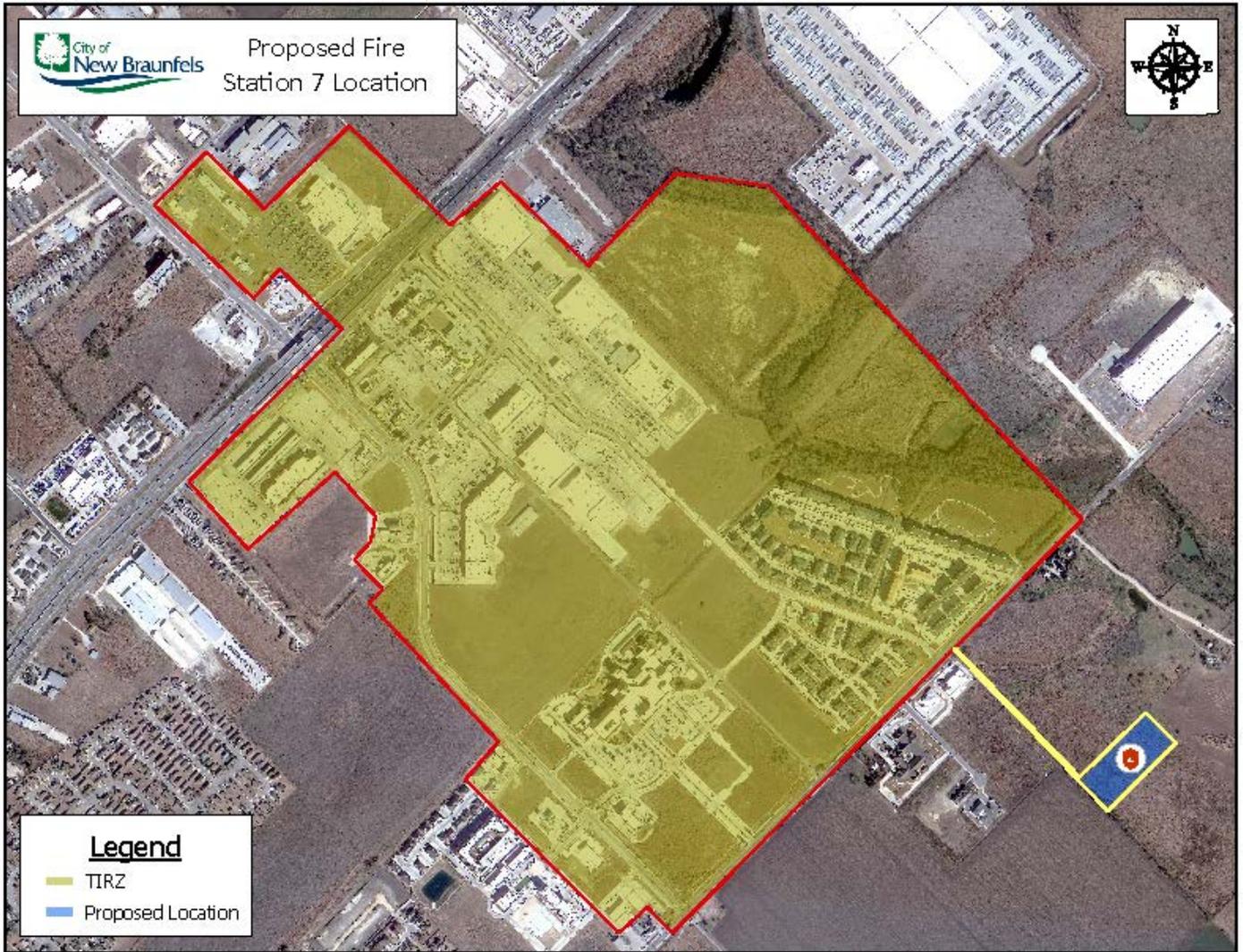


EXHIBIT B
[Amended Project and Financing Plan]

**Amended Project Plan & Reinvestment Zone Financing Plan
Tax Increment Reinvestment Zone No.1
City of New Braunfels, Texas**

**Amended Project Plan and Reinvestment Zone
Financing Plan**

1. Summary of Amendment
2. Exhibits

Summary of Amendment

Pursuant to Section 311.011(e), Texas Tax Code, an Amended Project Plan and Reinvestment Zone Financing Plan (the "Amended Project and Financing Plan") was adopted by the City of New Braunfels, Texas on January 28, 2019 to add approximately 4.5 acres of land for the fire station and a fire training facility for the City of New Braunfels, Texas into Tax Increment Reinvestment Zone No. 1, City of New Braunfels, Texas (the "TIRZ"), with an added anticipated cost between \$8,000,000 and \$13,000,000, and expected to be approximately \$10,500,000. The total TIRZ acreage after inclusion of the additional land will be approximately 512 acres. The boundaries of the TIRZ now encompass the area depicted on the attached **Exhibit A**. The Amended Plan additionally incorporates the Phase II Project Improvements and estimates of Phase II Project Costs listed in **Exhibit B** to this Amended Plan.

In connection with the addition of land and the Phase II Project, the exhibits attached hereto shall be incorporated into the Amended Plan. Except as amended by the revised exhibits attached hereto, the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone No.1 remains unchanged and in full force and effect.

Executive Summary of Phase II

An Amendment to Economic Development Agreement was executed by and between the City of New Braunfels, Texas (the "City") and A-L 95 Creekside Town Center, L.P. (the "Developer") dated January ____, 2019 (the "Amended Development Agreement"), which is hereby incorporated by reference. Under the Amended Development Agreement, the Developer will be reimbursed from revenue generated by the Zone within the boundaries of the Phase II Project in an amount not to exceed \$3,500,000 plus two years of interest for construction of infrastructure and drainage facilities within the Phase II Project. The Developer intends to construct the Phase II Project Improvements listed herein and will be reimbursed for costs incurred for the construction of the Phase II Project Improvements by the Authority through TIRZ revenues solely from tax increments having accrued or generated from the Phase II Project (the "Phase II Tax Increment") to the extent such funds are lawfully available. Disbursement of the Phase II Tax Increment is subordinate to owners and holders of any Bonds issued by the Authority.

EXHIBIT A

[Map and Boundaries of Added Acreage to Reinvestment Zone No. 1]

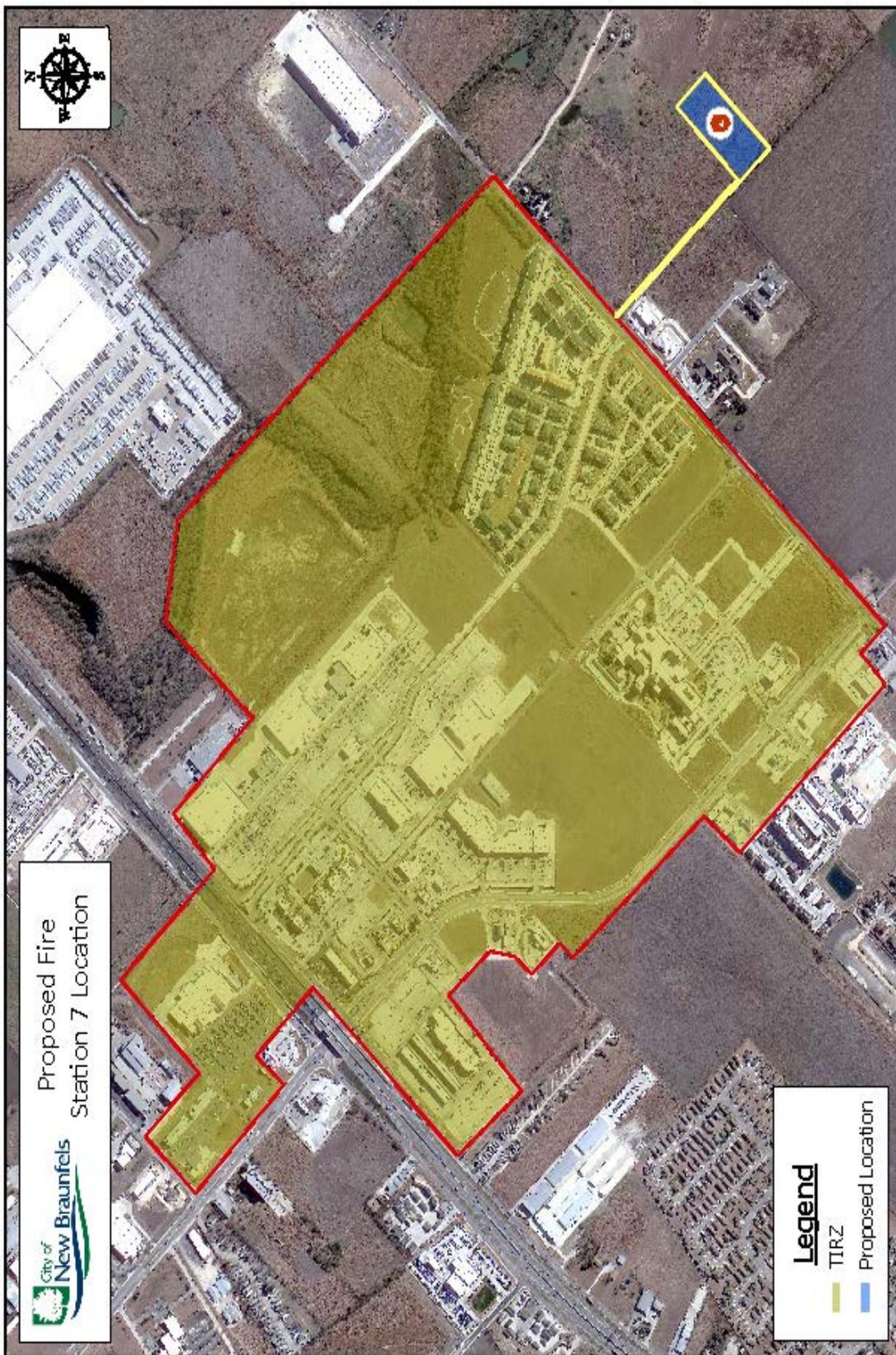
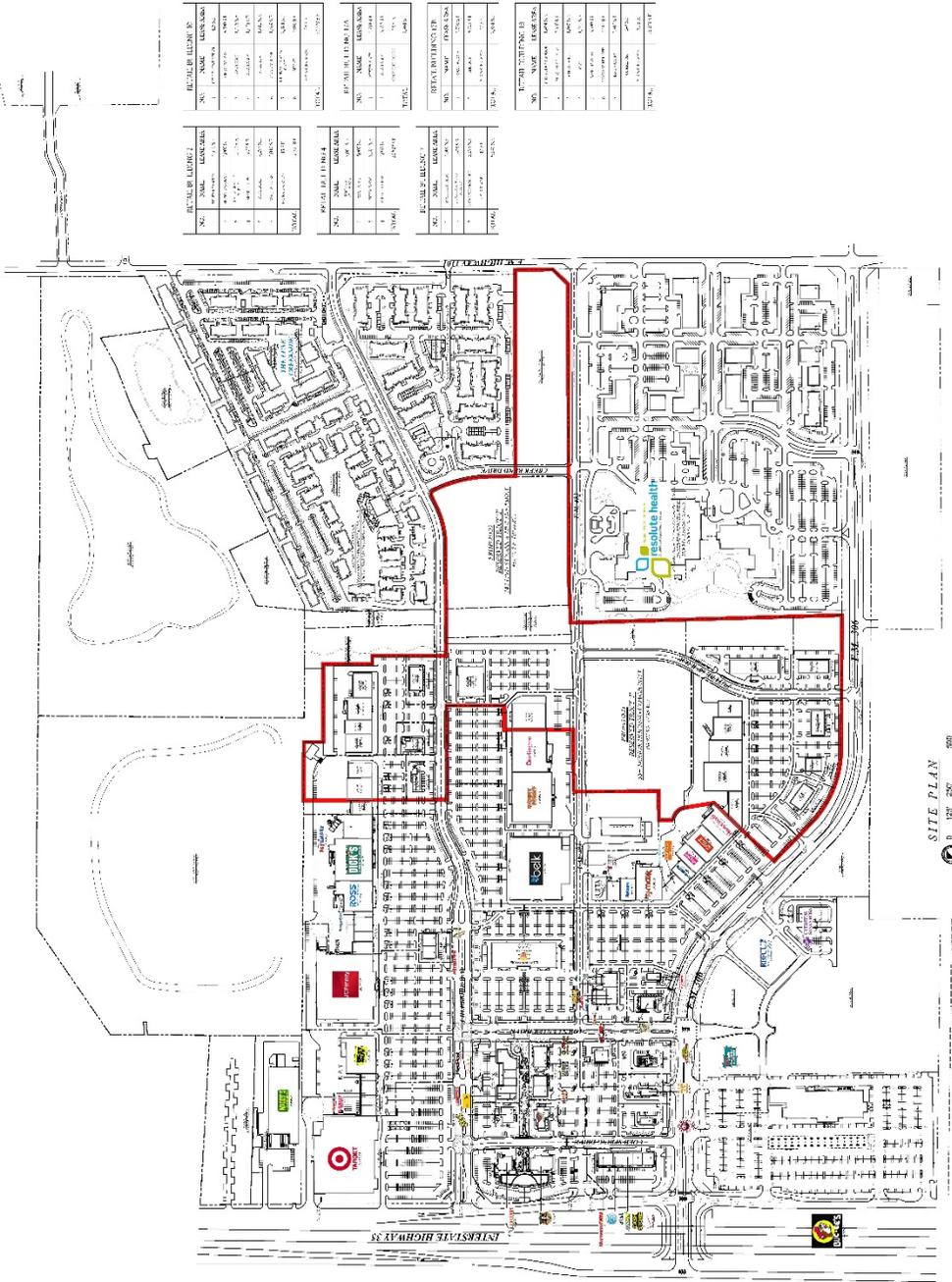


EXHIBIT B

[Map and Boundaries of the Phase II Project and the Phase II Project Improvements and Project Costs – Supplements Project Overview and Costs on Page 6]



NEW BRAUNFELS TOWN CENTER AT CREEKSIDE (SP-554)

EXHIBIT
 SEC. OF INTERSTATE HIGHWAY 35 & F.M. 306
 NEW BRAUNFELS, TEXAS

NewQuest
 8824 W. Sam Houston Parkway N
 Houston, TX 77064
 281.477.4300 www.newquest.com

| IMPAVEMENT SYNOPSIS | | | |
|----------------------------------|------------|----------|------------|
| MAJOR EAST-WESTING CENTER TRACTS | | | |
| TRAC # | LOW VOLUME | HIGHWAY | ADDITIONAL |
| | CONCRETE | CONCRETE | CONCRETE |
| 1001.1 | 10,000 | 10,000 | 10,000 |
| 1001.2 | 10,000 | 10,000 | 10,000 |
| 1001.3 | 10,000 | 10,000 | 10,000 |
| 1001.4 | 10,000 | 10,000 | 10,000 |
| 1001.5 | 10,000 | 10,000 | 10,000 |
| 1001.6 | 10,000 | 10,000 | 10,000 |
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| 1001.8 | 10,000 | 10,000 | 10,000 |
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| 1001.11 | 10,000 | 10,000 | 10,000 |
| 1001.12 | 10,000 | 10,000 | 10,000 |
| 1001.13 | 10,000 | 10,000 | 10,000 |
| 1001.14 | 10,000 | 10,000 | 10,000 |
| 1001.15 | 10,000 | 10,000 | 10,000 |
| 1001.16 | 10,000 | 10,000 | 10,000 |
| 1001.17 | 10,000 | 10,000 | 10,000 |
| 1001.18 | 10,000 | 10,000 | 10,000 |
| 1001.19 | 10,000 | 10,000 | 10,000 |
| 1001.20 | 10,000 | 10,000 | 10,000 |
| 1001.21 | 10,000 | 10,000 | 10,000 |
| 1001.22 | 10,000 | 10,000 | 10,000 |
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| 1001.26 | 10,000 | 10,000 | 10,000 |
| 1001.27 | 10,000 | 10,000 | 10,000 |
| 1001.28 | 10,000 | 10,000 | 10,000 |
| 1001.29 | 10,000 | 10,000 | 10,000 |
| 1001.30 | 10,000 | 10,000 | 10,000 |
| 1001.31 | 10,000 | 10,000 | 10,000 |
| 1001.32 | 10,000 | 10,000 | 10,000 |
| 1001.33 | 10,000 | 10,000 | 10,000 |
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| 1001.38 | 10,000 | 10,000 | 10,000 |
| 1001.39 | 10,000 | 10,000 | 10,000 |
| 1001.40 | 10,000 | 10,000 | 10,000 |
| 1001.41 | 10,000 | 10,000 | 10,000 |
| 1001.42 | 10,000 | 10,000 | 10,000 |
| 1001.43 | 10,000 | 10,000 | 10,000 |
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| 1001.45 | 10,000 | 10,000 | 10,000 |
| 1001.46 | 10,000 | 10,000 | 10,000 |
| 1001.47 | 10,000 | 10,000 | 10,000 |
| 1001.48 | 10,000 | 10,000 | 10,000 |
| 1001.49 | 10,000 | 10,000 | 10,000 |
| 1001.50 | 10,000 | 10,000 | 10,000 |

DATE: 08-23-11

PROJECT: NEW BRAUNFELS TOWN CENTER AT CREEKSIDE (SP-554)

SCALE: AS SHOWN

BY: [Signature]

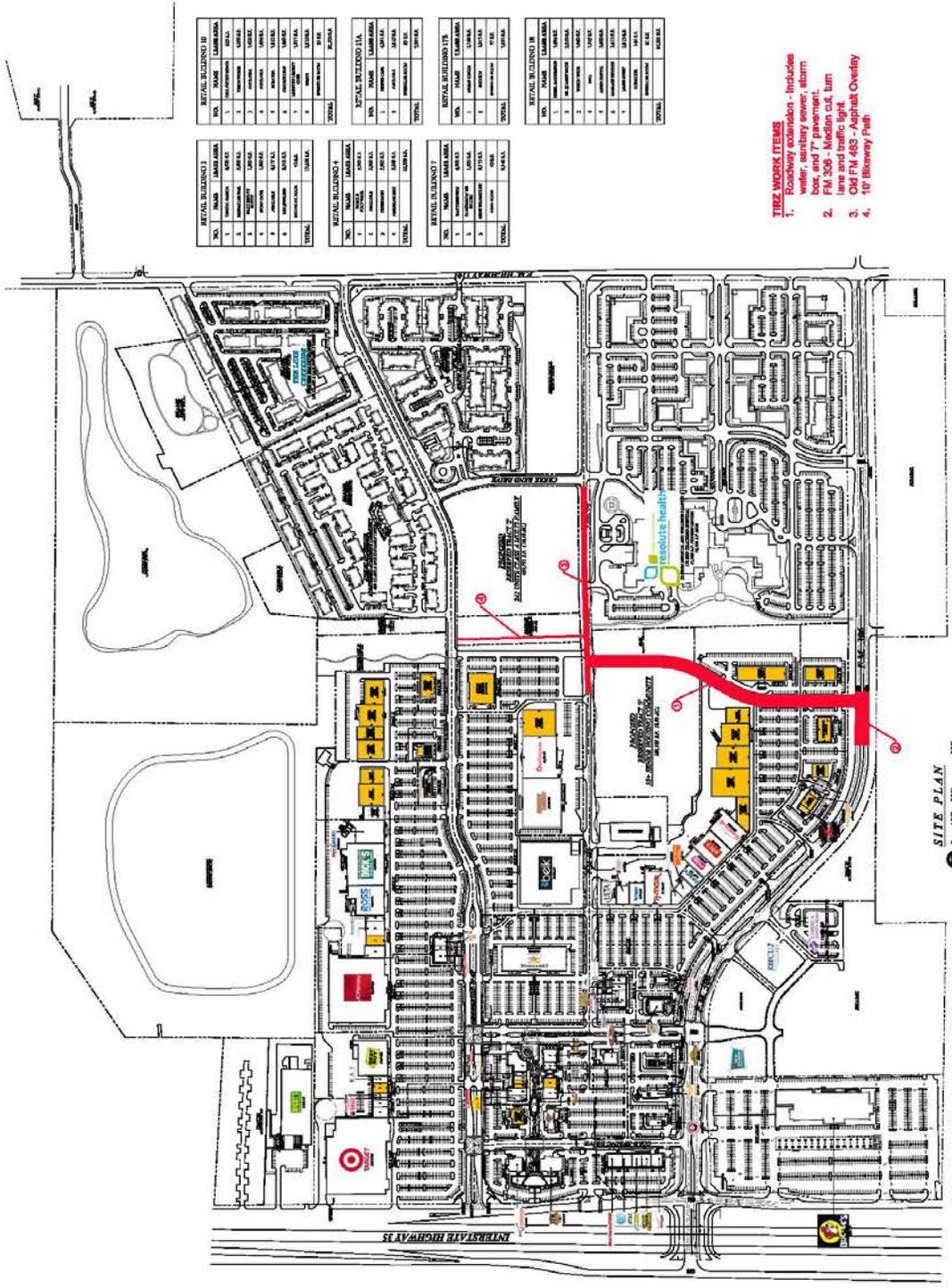
CHECKED: [Signature]

APPROVED: [Signature]

DATE: 08-23-11

DEVELOPMENT SYNOPSIS

| TRACT # | TRACT NAME | TRACT AREA (AC) | TRACT PERCENTAGE | TRACT TOTAL AREA (AC) | TRACT TOTAL PERCENTAGE | TRACT TOTAL AREA (AC) | TRACT TOTAL PERCENTAGE |
|-----------|------------|-----------------|------------------|-----------------------|------------------------|-----------------------|------------------------|
| TRACT 1 | TRACT 1 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 2 | TRACT 2 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 3 | TRACT 3 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 4 | TRACT 4 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 5 | TRACT 5 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 6 | TRACT 6 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 7 | TRACT 7 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 8 | TRACT 8 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 9 | TRACT 9 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 10 | TRACT 10 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 11 | TRACT 11 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 12 | TRACT 12 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 13 | TRACT 13 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 14 | TRACT 14 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 15 | TRACT 15 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 16 | TRACT 16 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 17 | TRACT 17 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 18 | TRACT 18 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 19 | TRACT 19 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 20 | TRACT 20 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 21 | TRACT 21 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 22 | TRACT 22 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 23 | TRACT 23 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 24 | TRACT 24 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 25 | TRACT 25 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 26 | TRACT 26 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 27 | TRACT 27 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 28 | TRACT 28 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 29 | TRACT 29 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 30 | TRACT 30 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 31 | TRACT 31 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 32 | TRACT 32 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 33 | TRACT 33 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 34 | TRACT 34 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 35 | TRACT 35 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 36 | TRACT 36 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 37 | TRACT 37 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 38 | TRACT 38 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 39 | TRACT 39 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 40 | TRACT 40 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 41 | TRACT 41 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 42 | TRACT 42 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 43 | TRACT 43 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 44 | TRACT 44 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 45 | TRACT 45 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 46 | TRACT 46 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 47 | TRACT 47 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 48 | TRACT 48 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 49 | TRACT 49 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 50 | TRACT 50 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 51 | TRACT 51 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 52 | TRACT 52 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 53 | TRACT 53 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 54 | TRACT 54 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 55 | TRACT 55 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 56 | TRACT 56 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 57 | TRACT 57 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 58 | TRACT 58 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 59 | TRACT 59 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 60 | TRACT 60 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 61 | TRACT 61 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 62 | TRACT 62 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 63 | TRACT 63 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 64 | TRACT 64 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 65 | TRACT 65 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 66 | TRACT 66 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 67 | TRACT 67 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 68 | TRACT 68 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 69 | TRACT 69 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 70 | TRACT 70 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 71 | TRACT 71 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 72 | TRACT 72 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 73 | TRACT 73 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 74 | TRACT 74 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 75 | TRACT 75 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 76 | TRACT 76 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 77 | TRACT 77 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 78 | TRACT 78 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 79 | TRACT 79 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 80 | TRACT 80 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 81 | TRACT 81 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 82 | TRACT 82 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 83 | TRACT 83 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 84 | TRACT 84 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 85 | TRACT 85 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 86 | TRACT 86 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 87 | TRACT 87 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 88 | TRACT 88 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 89 | TRACT 89 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 90 | TRACT 90 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 91 | TRACT 91 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 92 | TRACT 92 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 93 | TRACT 93 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 94 | TRACT 94 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 95 | TRACT 95 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 96 | TRACT 96 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 97 | TRACT 97 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 98 | TRACT 98 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 99 | TRACT 99 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |
| TRACT 100 | TRACT 100 | 1.00 | 100% | 1.00 | 100% | 1.00 | 100% |



| RETAIL BUILDING I | | | |
|-------------------|---------|----------------|-----------|
| NO. | NAME | AREA (SQ. FT.) | AREA (AC) |
| 1 | WALMART | 100,000 | 2.28 |
| 2 | WALMART | 100,000 | 2.28 |
| 3 | WALMART | 100,000 | 2.28 |
| 4 | WALMART | 100,000 | 2.28 |
| 5 | WALMART | 100,000 | 2.28 |
| 6 | WALMART | 100,000 | 2.28 |
| 7 | WALMART | 100,000 | 2.28 |
| 8 | WALMART | 100,000 | 2.28 |
| 9 | WALMART | 100,000 | 2.28 |
| 10 | WALMART | 100,000 | 2.28 |
| 11 | WALMART | 100,000 | 2.28 |
| 12 | WALMART | 100,000 | 2.28 |
| 13 | WALMART | 100,000 | 2.28 |
| 14 | WALMART | 100,000 | 2.28 |
| 15 | WALMART | 100,000 | 2.28 |
| 16 | WALMART | 100,000 | 2.28 |
| 17 | WALMART | 100,000 | 2.28 |
| 18 | WALMART | 100,000 | 2.28 |
| 19 | WALMART | 100,000 | 2.28 |
| 20 | WALMART | 100,000 | 2.28 |
| 21 | WALMART | 100,000 | 2.28 |
| 22 | WALMART | 100,000 | 2.28 |
| 23 | WALMART | 100,000 | 2.28 |
| 24 | WALMART | 100,000 | 2.28 |
| 25 | WALMART | 100,000 | 2.28 |
| 26 | WALMART | 100,000 | 2.28 |
| 27 | WALMART | 100,000 | 2.28 |
| 28 | WALMART | 100,000 | 2.28 |
| 29 | WALMART | 100,000 | 2.28 |
| 30 | WALMART | 100,000 | 2.28 |
| 31 | WALMART | 100,000 | 2.28 |
| 32 | WALMART | 100,000 | 2.28 |
| 33 | WALMART | 100,000 | 2.28 |
| 34 | WALMART | 100,000 | 2.28 |
| 35 | WALMART | 100,000 | 2.28 |
| 36 | WALMART | 100,000 | 2.28 |
| 37 | WALMART | 100,000 | 2.28 |
| 38 | WALMART | 100,000 | 2.28 |
| 39 | WALMART | 100,000 | 2.28 |
| 40 | WALMART | 100,000 | 2.28 |
| 41 | WALMART | 100,000 | 2.28 |
| 42 | WALMART | 100,000 | 2.28 |
| 43 | WALMART | 100,000 | 2.28 |
| 44 | WALMART | 100,000 | 2.28 |
| 45 | WALMART | 100,000 | 2.28 |
| 46 | WALMART | 100,000 | 2.28 |
| 47 | WALMART | 100,000 | 2.28 |
| 48 | WALMART | 100,000 | 2.28 |
| 49 | WALMART | 100,000 | 2.28 |
| 50 | WALMART | 100,000 | 2.28 |
| 51 | WALMART | 100,000 | 2.28 |
| 52 | WALMART | 100,000 | 2.28 |
| 53 | WALMART | 100,000 | 2.28 |
| 54 | WALMART | 100,000 | 2.28 |
| 55 | WALMART | 100,000 | 2.28 |
| 56 | WALMART | 100,000 | 2.28 |
| 57 | WALMART | 100,000 | 2.28 |
| 58 | WALMART | 100,000 | 2.28 |
| 59 | WALMART | 100,000 | 2.28 |
| 60 | WALMART | 100,000 | 2.28 |
| 61 | WALMART | 100,000 | 2.28 |
| 62 | WALMART | 100,000 | 2.28 |
| 63 | WALMART | 100,000 | 2.28 |
| 64 | WALMART | 100,000 | 2.28 |
| 65 | WALMART | 100,000 | 2.28 |
| 66 | WALMART | 100,000 | 2.28 |
| 67 | WALMART | 100,000 | 2.28 |
| 68 | WALMART | 100,000 | 2.28 |
| 69 | WALMART | 100,000 | 2.28 |
| 70 | WALMART | 100,000 | 2.28 |
| 71 | WALMART | 100,000 | 2.28 |
| 72 | WALMART | 100,000 | 2.28 |
| 73 | WALMART | 100,000 | 2.28 |
| 74 | WALMART | 100,000 | 2.28 |
| 75 | WALMART | 100,000 | 2.28 |
| 76 | WALMART | 100,000 | 2.28 |
| 77 | WALMART | 100,000 | 2.28 |
| 78 | WALMART | 100,000 | 2.28 |
| 79 | WALMART | 100,000 | 2.28 |
| 80 | WALMART | 100,000 | 2.28 |
| 81 | WALMART | 100,000 | 2.28 |
| 82 | WALMART | 100,000 | 2.28 |
| 83 | WALMART | 100,000 | 2.28 |
| 84 | WALMART | 100,000 | 2.28 |
| 85 | WALMART | 100,000 | 2.28 |
| 86 | WALMART | 100,000 | 2.28 |
| 87 | WALMART | 100,000 | 2.28 |
| 88 | WALMART | 100,000 | 2.28 |
| 89 | WALMART | 100,000 | 2.28 |
| 90 | WALMART | 100,000 | 2.28 |
| 91 | WALMART | 100,000 | 2.28 |
| 92 | WALMART | 100,000 | 2.28 |
| 93 | WALMART | 100,000 | 2.28 |
| 94 | WALMART | 100,000 | 2.28 |
| 95 | WALMART | 100,000 | 2.28 |
| 96 | WALMART | 100,000 | 2.28 |
| 97 | WALMART | 100,000 | 2.28 |
| 98 | WALMART | 100,000 | 2.28 |
| 99 | WALMART | 100,000 | 2.28 |
| 100 | WALMART | 100,000 | 2.28 |

- TIREZ WORK ITEMS**
1. Roadway relocation - includes water, sanitary sewer, storm box, and 7" pavement.
 2. FM 308 - Median cut, turn lane and traffic light.
 3. Old FM 465 - Asphalt Overlay
 4. 10' Bleeway Path

SITE PLAN

1" = 100'

NEW BRAUNFELS TOWN CENTER AT CREEKSIDE (SP-552)

PRELIMINARY STUDY
 NIC OF INTERSTATE HIGHWAY 35 & FM 306
 NEW BRAUNFELS, TEXAS



Creekside
Infrastructure Costs
7/30/2018
South Retail Phase (Public Infrastructure Only)

| Item No. | Description | Amount | Unit | Unit Price | Item Total |
|--|--|--------|--------------|--------------|--------------------|
| Storm Box Extension | | | | | |
| 1 | Mobilization | 1 | LS | \$25,000.00 | \$25,000 |
| 2 | Clear and strip alignment | 1.3 | Acres | \$2,000.00 | \$2,600 |
| 3 | Connection at slope pavement at FM 483 | 1 | Ea | \$15,000.00 | \$15,000 |
| 4 | 9' x 6' RCB | 1,425 | LF | \$450.00 | \$641,250 |
| 5 | Junction box | 5 | Ea | \$10,000.00 | \$50,000 |
| 6 | Seed disturbed areas | 1 | Acres | \$800.00 | \$800 |
| 7 | Stabilized entrance | 1 | LS | \$750.00 | \$750 |
| | Storm Box Extension | | Total | | \$735,400 |
| Sanitary Sewer Extension | | | | | |
| 8 | Mobilization | 1 | LS | \$20,000.00 | \$20,000 |
| 9 | Clear and strip alignment | 2 | Acres | \$2,000.00 | \$4,000 |
| 10 | 10" Sanitary Sewer | 2600 | LF | \$55.00 | \$143,000 |
| 11 | Manhole | 8 | Ea | \$2,500.00 | \$20,000 |
| | Sanitary Sewer Extension | | Total | | \$187,000 |
| Water Extension | | | | | |
| 12 | Mobilization | 1 | LS | \$20,000.00 | \$20,000 |
| 13 | Clear and strip alignment | 1 | Acres | \$2,000.00 | \$2,000 |
| 14 | 12" Water | 2765 | LF | \$50.00 | \$138,250 |
| 15 | Fire Hydrant with cross and valve | 12 | Ea | \$5,000.00 | \$60,000 |
| 16 | Connection to existing lines | 2 | Ea | \$10,000.00 | \$20,000 |
| | Water Extension | | Total | | \$240,250 |
| Roadway Costs | | | | | |
| 17 | Mobilization and bonds | 1 | LS | \$45,000.00 | \$45,000 |
| 18 | Roadway excavation | 3100 | CY | \$5.00 | \$15,500 |
| 19 | Subgrade Preparation | 5100 | SY | \$3.00 | \$15,300 |
| 20 | 7" Pavement | 4635 | SY | \$42.00 | \$194,670 |
| 21 | Concrete Curb | 2780 | LF | \$3.00 | \$8,340 |
| 22 | Pavement Marking and Signage | 1 | LS | \$5,000.00 | \$5,000 |
| 23 | 24" RCP | 150 | Ea | \$75.00 | \$11,250 |
| 24 | Storm Inlets | 10 | Ea | \$3,000.00 | \$30,000 |
| 25 | Manholes on RCB | 5 | Ea | \$2,500.00 | \$12,500 |
| 26 | Reinforced Filter Fabric Fence | 2780 | LF | \$2.50 | \$6,950 |
| 27 | Stabilized entrance | 1 | LS | \$750.00 | \$750 |
| | Roadway Costs | | Total | | \$345,260 |
| FM 306 and Old FM 483 Improvements | | | | | |
| 28 | Mobilization and bonds | 1 | LS | \$50,000.00 | \$50,000 |
| 29 | Demo median and curb, excavate | 7200 | SF | \$3.00 | \$21,600 |
| 30 | Subgrade Preparation | 6800 | SF | \$2.00 | \$13,600 |
| 31 | 7" Pavement | 4500 | SF | \$5.00 | \$22,500 |
| 32 | Concrete Curb | 850 | LF | \$3.00 | \$2,550 |
| 33 | Pavement Marking and Signage | 1 | LS | \$10,000.00 | \$10,000 |
| 34 | Hard Median | 1500 | SF | \$4.00 | \$6,000 |
| 35 | Curb Cut Ramps | 4 | Ea | \$4,000.00 | \$16,000 |
| 36 | Traffic Control | 1 | LS | \$10,000.00 | \$10,000 |
| 37 | Traffic Light at FM 306 | 1 | LS | \$350,000.00 | \$350,000 |
| 38 | Asphalt Overlay on old FM 483 - Approximately 2600' | 1 | LS | \$300,000.00 | \$300,000 |
| | FM 306 and Old FM 483 Improvements | | Total | | \$802,250 |
| Bikeway - 670 feet from FM 483 to Creekside Way | | | | | |
| 39 | Mobilization and bonds | 1 | LS | \$5,000.00 | \$5,000 |
| 40 | Grading | 400 | CY | \$10.00 | \$4,000 |
| 41 | Subgrade Preparation | 900 | SY | \$5.00 | \$4,500 |
| 42 | 5" Pavement | 745 | SY | \$35.00 | \$26,075 |
| 46 | Curb Cut Ramps | 2 | Ea | \$5,000.00 | \$10,000 |
| | Bikeway - 670 feet from FM 483 to Creekside Way | | Total | | \$49,575 |
| Subtotal | | | | | \$2,359,735 |
| Contingency (10%) | | | | | \$235,974 |
| Engineering (15%) | | | | | \$410,122 |
| Total | | | | | \$3,005,830 |

EXHIBIT C

[Commercial Build Out Schedule – Supplements Schedule A on Page 21]

Schedule A
Commercial Build Out Schedule (in thousands)

| Commercial Project Values | 2020 | | 2021 | | 2022 | | 2023 | | 2024 | |
|---------------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|
| | Square Feet (K) | Captured Value (K) |
| Retail | 42.0 | \$6,090 | 9.0 | \$990 | 48.5 | \$7,033 | 70.5 | \$7,755 | 96.9 | \$10,659 |
| Restaurant | - | \$0 | 6.0 | \$1,650 | 5.0 | \$1,375 | - | \$0 | 3.4 | \$935 |
| Hotel | - | \$0 | 60.0 | \$8,160 | - | \$0 | - | \$0 | - | \$0 |
| Senior Housing Tract | - | \$0 | - | \$30,000 | - | \$0 | - | \$0 | - | \$0 |
| Multifamily Tract | - | \$35,000 | - | \$0 | - | \$0 | - | \$0 | - | \$0 |
| | 42.00 | | 75.00 | | 53.50 | | 70.50 | | 100.30 | |
| Total Captured Value | | \$41,090 | | \$40,800 | | \$7,033 | | \$7,755 | | \$11,594 |
| Cumulative Captured Value | | \$41,090 | | \$81,890 | | \$88,923 | | \$96,678 | | \$108,272 |

EXHIBIT D

[Projected Annual Tax Revenue and Projected Assessed Valuations – Supplements Schedule B on Page 21]

NEW BRAUNFELS TOWN CENTER AT CREEKSIDE
 New Braunfels, TX
 NEC Hwy. 35 & FM 306

10/19/18
 SP-552

| | Projected Annual Tax Revenue | | | | | | | | | |
|--|------------------------------|--------|-------------------------|----------|-----------------------------|----------|-------------------|----------|---------------------|---------------------|
| | Real Property Taxes | | Personal Property Taxes | | Annual Sales Tax Projection | | Taxable Sales | | Taxable Sales | |
| | SF | Per SF | Total Tax Value | Per SF | Total Tax Value | Per SF | Total Sales | Per SF | Total Sales | Total Sales |
| Tract 24- Inline Retail | 11,730 | 125 | 1,466,250 | 20 | 234,600 | 200 | 2,346,000 | 200 | 2,346,000 | 2,346,000 |
| Tract 24- Jr. Box Retail | 78,750 | 125 | 9,843,750 | 20 | 1,575,000 | 200 | 15,750,000 | 200 | 15,750,000 | 15,750,000 |
| Tract 25- Freestanding Retail | 8,750 | 75 | 656,250 | 20 | 175,000 | 200 | 1,750,000 | 200 | 1,750,000 | 1,750,000 |
| Tract 26- Proposed Restaurant | 5,950 | 275 | 1,636,250 | 30 | 178,500 | lump sum | 1,800,000 | 200 | 1,800,000 | 1,800,000 |
| Tract 27- Freestanding Retail | 9,100 | 75 | 682,500 | 20 | 182,000 | 200 | 1,820,000 | 200 | 1,820,000 | 1,820,000 |
| Tract 28- Freestanding Retail | 11,200 | 75 | 840,000 | 20 | 224,000 | 200 | 2,240,000 | 200 | 2,240,000 | 2,240,000 |
| Tract 29- Future Hotel | 60,000 | 136 | 8,178,000 | lump sum | 250,000 | lump sum | 2,160,000 | lump sum | 2,160,000 | 2,160,000 |
| Senior Housing Tract | - | - | 30,000,000 | - | - | - | - | - | - | - |
| Reserve 2 Apartment Tract | - | - | 35,000,000 | - | - | - | - | - | - | - |
| | 185,480 | | 88,303,000 | | 2,819,100 | | 27,866,000 | | 27,866,000 | 27,866,000 |
| City of New Braunfels Property Tax Rate/\$100 | | | 0.48822 | | 0.48822 | | | | | |
| City of New Braunfels Projected Property Tax (\$) | | | 431,113 | | 13,763 | | | | | |
| Comal County Property Tax Rate/\$100 | | | 0.30782 | | 0.30782 | | | | | 1.50% |
| Comal County Projected Property Tax (\$) | | | 271,815 | | 8,678 | | | | | 417,990 |
| City of New Braunfels Sales Tax Rate | | | | | | | | | | 0.50% |
| City of New Braunfels Projected Sales Tax (\$) | | | | | | | | | | 139,330 |
| Comal County Sales Tax Rate | | | | | | | | | | 0.50% |
| Comal County Projected Sales Tax (\$) | | | | | | | | | | 139,330 |
| Projected Annual Tax Revenue | | | \$ 702,928 | | \$ 22,441 | | \$ 557,320 | | \$ 1,282,689 | \$ 1,282,689 |
| City of New Braunfels TIRZ Participation- Property Tax (85% of collected amount) | | | | | | | | | | 378,145 |
| Comal County TIRZ Participation- Property Tax (85% of collected amount) | | | | | | | | | | 238,419 |
| City of New Braunfels TIRZ Participation- Sales Tax (1/2 of 1% of sales and use taxes collected) | | | | | | | | | | 139,330 |
| Comal County TIRZ Participation- Sales Tax- No Participation | | | | | | | | | | - |
| Total Annual TIRZ Contribution by City and County | | | | | | | | | | \$ 755,894 |

Schedule B
Project Assessed Valuations

| Tax Roll Jan 1 | Cumulative Commercial Valuation | City Projected Taxable Valuation | County Projected Taxable Valuation |
|----------------|---------------------------------|----------------------------------|------------------------------------|
| 2020 | \$41,090,000 | \$41,090,000 | \$41,090,000 |
| 2021 | \$81,890,000 | \$81,890,000 | \$81,890,000 |
| 2022 | \$88,923,000 | \$88,923,000 | \$88,923,000 |
| 2023 | \$96,678,000 | \$96,678,000 | \$96,678,000 |
| 2024 | \$108,272,000 | \$108,272,000 | \$108,272,000 |

Schedule G
Project Zone Revenue Phase II
(Sales Tax)

| Year | Retail Businesses | | | EDC Sales Tax | | Total Sales Tax | | Sales Tax Revenue Available For Zone Projects * | |
|---------------|------------------------|----------|---------------------|----------------------|---------------------|---------------------|--------------------|---|-----------|
| | Gross Sales | City Tax | Tax Generated | Revenue (0.375% Tax) | Revenue | Revenue | Revenue | Revenue | Revenue |
| 2020 | \$8,400,000 | 1.125% | \$94,500 | \$31,500 | \$126,000 | \$126,000 | \$40,950 | \$40,950 | \$66,788 |
| 2021 | \$13,700,000 | 1.125% | \$154,125 | \$51,375 | \$205,500 | \$205,500 | \$66,788 | \$66,788 | \$121,388 |
| 2022 | \$24,900,000 | 1.125% | \$280,125 | \$93,375 | \$373,500 | \$373,500 | \$121,388 | \$121,388 | \$190,125 |
| 2023 | \$39,000,000 | 1.125% | \$438,750 | \$146,250 | \$585,000 | \$585,000 | \$190,125 | \$190,125 | \$289,478 |
| 2024 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2025 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2026 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2027 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2028 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2029 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2030 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2031 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2032 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2033 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2034 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2035 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2036 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2037 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2038 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2039 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2040 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2041 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2042 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2043 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2044 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2045 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| Totals | \$1,392,360,000 | | \$15,664,050 | \$5,221,350 | \$20,885,400 | \$20,885,400 | \$6,787,755 | \$6,787,755 | |

* Represents EDC sales tax of 0.375% + City Sales Tax of 0.125% per the Development Agreement

EXHIBIT D

[Amendment to Economic Development Agreement]

**AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT
BY AND BETWEEN NEW BRAUNFELS, TEXAS
AND
A-L CREEKSIDE TOWN CENTER, L.P.**

THIS AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT (the "Amendment") by and between the City of New Braunfels, Texas, a Texas home-rule municipal corporation (the "City") and A-L 95 Creekside Town Center, L.P., a Texas limited partnership ("Developer"), (collectively referred to as the "Parties") is entered into on this _____ day of _____, 2019 (the "Effective Date").

RECITALS

WHEREAS, Developer and the District entered into an Economic Development Agreement dated March 12th, 2007 ("Agreement") for the purpose of enhancing and stimulating business and commercial activity in the City, and promoting economic development in the City; and

WHEREAS, the Developer has completed the Project and the Project Improvements as defined in the Agreement and has been reimbursed the full Reimbursement Amount from TIRZ revenues in accordance with the Project Plan of Plan of Finance and the terms of the Agreement;

WHEREAS, the Developer intends to construct a Phase II of the Project located within the TIRZ boundaries and is seeking reimbursement of the Phase II Project Costs as defined herein;

WHEREAS, the City intends to amend the Project Plan and Plan of Finance to include the Phase II Projects, and the Parties desire to increase the Reimbursement Amount from TIRZ revenues to include the Phase II Project Costs in order to further such economic development purposes within the City and the TIRZ.

NOW, THEREFORE, for and in consideration of the promises and the mutual agreements set forth herein, the Parties hereby agree as follows:

AGREEMENT

1. The Agreement is amended by adding Article IV, **PHASE II PROJECT**.

ARTICLE IV PHASE II PROJECT

1. Phase II Project. The Developer intends to construct (or cause to be constructed) an additional mixed-use phase totaling up to 500,000 square feet with an estimated construction cost of approximately \$3,005,830 within the existing Creekside Town Center ("Phase II Project"). The Phase II Project is to be constructed in substantial accordance with the Conceptual Site Plan attached as Exhibit "B-1", or such plan as revised from time to time. For purposes of the Agreement, the term "Project" as defined in the Agreement shall also incorporate the Phase II Project.

2. Phase II Project Improvements. The Developer intends to construct or cause the construction of the public infrastructure and improvements set forth in "Exhibit C-1" ("Phase II Project Improvements"). The term "Project Improvements" as defined in the Agreement and terms related thereto shall include and incorporate the Phase II Project Improvements. Expenditures for Phase II Project Improvements included as estimates on "Exhibit C-1" and as included in the Amended Project Plan and Plan of Finance are defined as Phase II Project Costs.

3. Amended Project Plan and Plan of Finance. The City and Developer agree to jointly prepare and approve a mutually acceptable amended Project Plan and Plan of Finance ("Amended Project Plan and Plan of Finance") for the TIRZ that includes the Phase II Project Improvements and estimates of Phase II Project Costs listed on "Exhibit C-1." The Parties agree to use commercially reasonable efforts to mutually agree to an Amended Project Plan and Plan of Finance that is consistent with the terms of this Amendment, and the Parties agree that their approval of an Amended Project Plan and Plan of Finance shall not be unreasonably delayed or withheld.

4. Phase II Developer Reimbursement. The Developer shall be reimbursed by the local government corporation created by the City ("the New Braunfels Development Authority" or the "Authority") through TIRZ revenues for the actual construction costs included in the Amended Project Plan and Plan of Finance in an aggregate amount not to exceed \$3,500,000, plus reimbursement of the Developer's interest on any expenditure authorized in the Amended Project Plan and Plan of Finance for a period of up to two years after the expenditure of funds by the Developer (the "Phase II Developer Reimbursement"). Interest shall

be calculated per the Agreement. The Phase II Developer Reimbursement shall be paid solely from the Phase II Tax Increment Fund (defined below).

(a) Phase II Tax Increment Fund. All Tax Increment (as defined in the Tri-Party Agreement described herein) accruing or generated from the Phase II Project shall be defined as the Phase II Tax Increment. Pursuant to the terms of the Management and Administrative Services Agreement By and Among the City, the TIRZ and the Authority (the "Tri-Party Agreement"), the City shall create a subaccount of the Tax Increment Fund, the Phase II Tax Increment Fund. The City shall deposit all Phase II Tax Increment into the Phase II Tax Increment Fund. The Developer will use all commercially reasonable efforts to provide the Authority and the City on an annual basis (by February 1 of each year) with a list of tax accounts that comprise the Phase II Project. The Developer is entitled to reimbursement herein only from the Phase II Tax Increment collected in the Phase II Tax Increment Fund.

(b) Approval of Phase II Projects; Disbursement of Tax Increment. The Authority (on behalf of the City pursuant to the Tri-Party Agreement) shall pay all or a portion of the Phase II Developer Reimbursement for any Phase II Project Improvement authorized in the Amended Project Plan and Plan of Finance and submitted by the Developer for reimbursement as provided for in this Article IV. The Developer shall request to the Authority in writing that particular expenditures be reimbursed and provide written documentation of such expenditures to the Authority including invoices or other acceptable proof of expenditures satisfactory to the Authority for such payments. For approved Phase II Project Costs, the Authority shall distribute to the Developer any Phase II Tax Increment accrued in the Phase II Tax Increment Fund to pay all or any portion of the Phase II Project Costs for reimbursement. The Authority will make such distributions on a semi-annual basis (each March 1 and September 1) until the Phase II Reimbursement is paid in full.

(c) Priority of Use of Tax Increment; Pledge to Bonds. The Parties understand that the Authority has a duty to use the Tax Increment in accordance with the Tri-Party Agreement which prioritizes the Tax Increment in the TIRZ (including subaccounts and the Phase II Tax Increment) to owners and holders of any Bonds issued by the Authority and any other Authority Obligations, and the disbursement of the Phase II Tax Increment pursuant to this Amendment is subordinate to those obligations.

(d) Reimbursement from Bond Proceeds. As an alternative to this Article IV, Section 4, the City may determine to reimburse the Developer for Phase II Project Costs from bonds issued by the Authority in accordance with the terms of the Agreement.

2. Except as explicitly set forth in this Amendment, no other terms of the Agreement are modified or amended, and except as otherwise modified herein, the terms of the Agreement are in full force and effect.

3. The provisions of the Amendment and the Agreement should be read together and construed as one agreement provided that, in the event of any conflict or inconsistency between the provision of this Amendment and the Agreement, the provisions of this Amendment shall control.

4. The Agreement (including the Amendment) shall remain in force and effect until the Phase II Developer Reimbursement is paid in full or until the expiration date of the TIRZ, whichever is earlier.

5. Unless otherwise exempt, the Developer has delivered to the City, a Certificate of Interested Parties Form 1295 ("Form 1295") and certification of filing generated by the Texas Ethics Commission's (the "TEC") electronic portal, signed by an authorized agent of each respective entity prior to the execution of this Amendment by the Parties. The Parties understand and agree that, with the exception of information identifying the City, and the contract identification number in each Form 1295, with respect to an exemption from the filing requirement of a Form 1295, the Developer is solely responsible for its claim of exemption, and the City, nor its consultants, is responsible for a determination made by the Developer that the Developer is exempt from filing a Form 1295, or for the information contained in any Form 1295 and the City, nor its consultants, has verified such information.

6. The Developer represents and warrants, for purposes of Chapter 2270 of the Texas Government Code that at the time of execution and delivery of this Agreement, neither the Developer nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, boycotts Israel or will boycott Israel. The foregoing verification is made solely to comply with Section 2270.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, "boycotts Israel" and "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

7. The Developer represents that, neither the Developer, nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, are companies identified on a list prepared and maintained by the Texas Comptroller of

Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: <https://comptroller.texas.gov/purchasing/docs/sudanlist.pdf>; <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/ftolist.pdf>. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and each parent company, wholly- or majority-owned subsidiaries, and other affiliates of the same, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Developer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

IN WITNESS WHEREOF, the parties hereto may execute this Amendment in multiple copies, each of equal dignity, as of the date and year set forth on the first page hereof.

CITY:

CITY OF NEW BRAUNFELS, a Texas home-rule municipal corporation

By: _____
Mayor

Attest:

City Secretary

DEVELOPER:

A-L 95 CREEKSIDE TOWN CENTER, L.P.,
a Texas limited partnership

By: A-L 95, L.C., a Texas limited liability
company, General Partner

By: _____
Steven D. Alvis, Manager

EXHIBIT E

[Phase II Tax Increment Participation Interlocal Agreement for Reinvestment Zone Number One]

**PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT
FOR REINVESTMENT ZONE NUMBER ONE**

THIS PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT ("Agreement") is made pursuant to Section 311.013 of the Texas Tax Code by and between the City of New Braunfels, Texas (the "City"), a municipal corporation and home-rule city of the State of Texas principally situated in the County of Comal, acting by and through its City Manager pursuant to Ordinance No. 2019-___, passed and approved by the City Council on January 28, 2019; Comal County (the "County"), a political subdivision of the State of Texas, acting by and through its County Judge pursuant to authority granted by the Comal County Commissioners Court on January 31, 2019; and the Board of Directors for Reinvestment Zone Number One (1), City of New Braunfels, Texas (the "Zone Board"), a Reinvestment Zone created by the City pursuant to Chapter 311 of the Texas Tax Code; and A-L 95 Creekside Town Center, L.P., a Texas Limited Partnership (the "Developer"), acting through the manager of its general partner A-L 95, L.C., a Texas Limited Liability Company. Collectively, the City, County, Developer, and Zone Board may be referred to herein singularly as a "Party" or collectively as "Parties."

In consideration of the covenants set forth herein, and subject to the terms and conditions herein, the City, County, Developer and Zone Board hereby agree to the terms and conditions of this Agreement. All exhibits are hereby incorporated into this Agreement by this reference for all purposes.

RECITALS

WHEREAS, on July 26, 2007, the Parties entered into a Tax Increment Participation Interlocal Agreement for Reinvestment Zone Number One (as amended, the "Phase I Agreement") providing for payments into the Tax Increment Fund of Tax Increments produced from property located in Reinvestment Zone Number One pursuant to Chapter 311 of the Texas Tax Code; and

WHEREAS, the Developer has completed the Project and the Project Improvements as defined in the Phase I Agreement and has been reimbursed the full Reimbursement Amount, set forth in the Phase I Agreement, from Reinvestment Zone Number One revenues in accordance with the terms of the Phase I Agreement; and

WHEREAS, the Developer intends to construct an additional mixed-use phase totaling up to 500,000 square feet with an estimated construction cost of approximately \$3,005,830 within the existing Reinvestment Zone Number One (the "Phase II Project") and is seeking reimbursement of the Phase II Project Costs as defined herein; and

WHEREAS, the City and Developer intend to jointly prepare and approve an amendment to the Project Plan and Plan of Finance to include the Phase II Project Improvements and estimates of Phase II Project Costs, and reimburse the Developer, to the extent revenues from the Phase II Project are lawfully available and after all Obligations of the Authority have been satisfied, for the Phase II Project Costs in order to further economic development within the City and the Reinvestment Zone Number One; and

WHEREAS, the Developer, to the extent such funds are lawfully available and all Obligations of the Authority have been satisfied, will be reimbursed by the Authority through the Phase II Tax Increments contributed by the City and the County in accordance with this Agreement for the actual construction costs included in the Amended Project Plan and Plan of Finance in an aggregate amount not to exceed \$3,500,000 (the "Phase II Developer Reimbursement Amount"); and

WHEREAS, the City intends to create a subaccount of the Tax Increment Fund pursuant to the terms of the Management and Administrative Services Agreement between the City, the Zone Board and the Authority (the "Tri-Party Agreement"), of which lawfully available Phase II Tax Increment will be deposited after all Obligations of the Authority have been satisfied; and

WHEREAS, the Developer is entitled to reimbursement of the Phase II Project Costs only from the Phase II Tax Increment collected in the Phase II Tax Increment Fund to the extent such funds are lawfully available and all Obligations of the Authority; and

WHEREAS, the Tax Increment and the Phase II Tax Increment shall be disbursed in accordance with the Tri-Party Agreement which gives priority to owners and holders of any bonds or other obligations issued or entered into by the Authority, and the reimbursement to the Developer of the Phase II Tax Increment pursuant to this Agreement is subordinate to those obligations; and

WHEREAS, this Agreement is intended to supplement the Phase I Agreement and should be read in conjunction therewith. This Agreement is not intended to interfere or conflict with the Phase I Agreement.

ARTICLE ONE

PREAMBLE

SECTION 1.01 INCORPORATION OF PREAMBLE. The Parties hereby incorporate the recitals set forth in the preamble hereto as if set forth in full at this place and further finds and determines that the recitals are true and correct and are adopted as part of the judgment and findings of the Commissioners Court, the City Council and the Board of Trustees of the Corporation.

ARTICLE TWO

DEFINITIONS AND INTERPRETATIONS

SECTION 2.01 DEFINITIONS. When used in this Phase II Agreement, and in any amendment or supplement hereto, the terms listed below shall have the meanings specified below, unless it is otherwise expressly provided or unless the context otherwise requires:

"Administrative Costs" means the costs of organizing the Reinvestment Zone, the costs of operating the Reinvestment Zone and the imputed administrative costs associated with the

Reinvestment Zone incurred by the City in connection with the implementation of the project plan.

"Agreement" means this agreement between the City, County, Developer and Zone Board.

"Authority" means the New Braunfels Development Authority, a local government corporation created by the City.

"Captured Appraised Value" means the captured appraised value of the Reinvestment Zone, as defined by Section 311.012(b), Texas Tax Code, as may be amended from time to time.

"City" means the City of New Braunfels, Texas, a municipal corporation and home-rule city of the State of Texas principally situated in the County, including its successors and assigns.

"County" means Comal County, Texas, a political subdivision of the State of Texas.

"County Tax Rate Participation" means the amount of the County tax levy on the Captured Appraised Value which the County agrees to contribute to the Reinvestment Zone pursuant to Section 3.02 of this Agreement.

"Developer" means A-L 95 Creekside Town Center L.P., a Texas limited partnership.

"Obligations" means all contractual obligations of the Authority entered into prior to the date of this Agreement, including, but not limited to, those contained within the Tri-Party Agreement, and all bonds, notes, leases or other debt instruments issued by the Authority and the authorizing documents related thereto.

"Phase II Improvements" means those improvements of the Phase II Project identified in the Project and Financing Plan.

"Phase II Project Costs" means the project costs set forth for the Phase II Project identified in the Project and Financing Plan.

"Phase II Tax Increment" means the aggregate amount of property taxes levied each year by the City and County over the Phase II Tax Increment Base, all pursuant to the Project Plan.

"Phase II Tax Increment Base" means the total appraised value of all real property taxable by the City and/or the County and located within the boundaries of the Phase II Project as of January 1, 2019, the year in which the Phase II Project was designated.

"Phase II Tax Increment Fund" means the tax increment fund created by the City in the City Treasury for the Reinvestment Zone for the deposit of Tax Increments within the Phase II Project.

"Project Plan" means the Project Plan and Reinvestment Zone Financing Plan for the Reinvestment Zone initially approved by the City Council of the City on May 29, 2007, and as

amended by the City Council of the City on November 22, 2010 and subsequently on January 28, 2019 to reflect an increase of the geographic boundaries of the Zone and to include the Phase II Project Improvements and estimates of the Phase II Project Costs, attached and incorporated into this agreement for all purposes as Exhibit "B."

"Reinvestment Zone" means Reinvestment Zone Number One, City of New Braunfels, Texas created by the City on May 14, 2007, by Ordinance No. 2007-45 and later amended by Ordinance No. 2010-85 and Ordinance No. 2019-__ to reflect increases of the geographic boundaries of the Zone, attached and incorporated into this Agreement for all purposes as Exhibit "A."

"Tax Increment" means the aggregate amount of ad valorem taxes levied and collected each year by the City and/or the County, respectively, on the Captured Appraised Value of taxable real property in the Reinvestment Zone, all pursuant to the terms of the Project and Financing Plan.

"Tax Increment Base" means the total appraised value of all real property taxable by the City and/or the County and located in the Reinvestment Zone as of January 1, 2007, the year the Reinvestment Zone was created.

"Tax Increment Payment" means the amount of the Tax Increment that the City and/or County deposit annually into the Tax Increment Fund in accordance with the Phase I Agreement and the Project Plan.

ARTICLE THREE

PHASE II TAX INCREMENT PARTICIPATION

SECTION 3.01 PHASE II TAX INCREMENT PARTICIPATION BY THE CITY. For and in consideration of the agreements of the Parties set forth herein, the City agrees to deposit, to the extent such funds are lawfully available and all Obligations of the Authority have been satisfied, eighty-five percent (85%) of its Phase II Tax Increment produced each year in the Phase II Project into the Phase II Tax Increment Fund.

SECTION 3.02 PHASE II TAX INCREMENT PARTICIPATION BY THE COUNTY. For and in consideration of the agreements of the Parties set forth herein, the County agrees to contribute, to the extent such funds are lawfully available, eighty-five percent (85%) of its Phase II Tax Increment produced each year in the Phase II Project within the Reinvestment Zone into the Phase II Tax Increment Fund extending no longer than the 2032 tax year. The Parties agree that the County's Phase II Tax Increment shall (i) only be used by the Zone Board to reimburse the Developer for the public improvement costs actually incurred by the Developer limited to the Phase II Improvements defined in the Project Plan, and (ii) not be used to reimburse any costs of the City's fire station described in the Project Plan. The Parties further agree that the County's contribution described herein shall terminate at the first to occur: (1) when both the City and the County have contributed Phase II Tax Increments sufficient to enable the Developer to receive the maximum total reimbursement of three million five hundred thousand dollars (\$3,500,000) and two years of interest attributable to Developer's financing costs related to the

public improvement costs as defined in the Project Plan and to pay the required debt service on any bonds issued, the proceeds of which were used to reimburse the Developer; or (2) until the 2032 tax year. The County's Phase II Tax Increment participation shall be restricted to its tax increment collected on the Captured Appraised Value in the Phase II Project within the Reinvestment Zone. The Parties agree that all ad valorem taxes collected each year by the County that are attributable to real property in the Reinvestment Zone shall first constitute taxes on the Tax Increment Base, and after the total amount of taxes on the Tax Increment Base have been collected, shall then constitute the Tax Increment. The County shall not be obligated to contribute to the Tax Increment Fund non-tax increment County taxes or revenues or until the County's Tax Increment is actually collected.

SECTION 3.03 DATE OF PAYMENT. The obligation of the City and County to pay make deposits to the Phase II Tax Increment Fund, to the extent such funds are lawfully available and all Obligations of the Authority have been satisfied, shall accrue as Phase II Tax Increments are collected and payment shall be due on the first day of August of each calendar year.

SECTION 3.04 PARTICIPATION LIMITED TO PHASE II. The obligation of the City and the County to participate in the Phase II Tax Project within the Reinvestment Zone is limited to the area and improvements described as the Phase II Project in the Project Plan. The Phase II Tax Increment participation by the City and the County shall not extend beyond the Phase II Project or on any additional property added to the Reinvestment Zone unless the City and County approves the additional participation in writing.

SECTION 3.05 LIMITATION ON PROJECTS AND SPENDING. The Developer may not be reimbursed with funds lawfully available in the Phase II Tax Increment Fund for any improvements other than the approved Phase II Improvements set forth in the Project Plan.

SECTION 3.06 ZONE PROGRESS REPORTING. The Zone Board will submit reports annually and upon reasonable request to the Parties detailing percent completion of the development, Phase II Improvements underway or completed, tax increment revenue, and reimbursements or bond payments made.

ARTICLE FOUR

MISCELLANEOUS PROVISIONS

SECTION 4.01 CONTERPARTS. This Agreement may be executed in any number of counterparts, each of such counterparts shall for all purposes be deemed to be an original, and all such counterparts shall together constitute one and the same instrument.

SECTION 4.02 CAPTIONS. The section headings appearing in this Agreement are for convenience of reference only and are not intended, to any extent and for any purpose, to limit or define the text of any section or any subsection hereof.

SECTION 4.03 ENTIRE AGREEMENT. This Agreement embodies the entire agreement of the Parties and supplements the Phase I Agreement, and there are no other agreements, assurances, condition, covenants, either express or implied, or other terms with respect to the covenants, whether written or verbal, antecedent or contemporaneous, with the execution hereof.

SECTION 4.04 INCONSISTENT PROVISIONS. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Agreement are hereby repealed to extent of such conflict, and the provisions of this Agreement shall be and remain controlling as to the matter provided herein.

SECTION 4.05 GOVERNING LAW. This Agreement shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 4.06 CONSTRUCTION. Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa. This Agreement and all terms and provisions hereof shall be construed to effectuate the purposes set forth herein and to sustain the validity of the Agreement.

SECTION 4.07 SEVERABILITY. In the event any term, covenant or condition herein contained shall be held to be invalid by any court of competent jurisdiction, such invalidity shall not affect any other term, covenant or condition herein contained, provided that such invalidity does not materially prejudice the Parties in their respective rights and obligations contained in the valid terms, covenants or conditions hereof.

SECTION 4.08 AMENDMENT. Unless otherwise provided here, this Agreement may be amended only by written instrument duly executed on behalf of each Party.

SECTION 4.09 ASSIGNMENT. No Party shall assign this Agreement at law or otherwise without the prior written consent of the other Parties. No Party shall delegate any portion of its performance under this Agreement without the written consent of the other Parties.

SECTION 4.10 COMPLIANCE WITH TEXAS OPEN MEETING ACT. If it is officially found, determined, and declared that the meeting of each of the City, the County and the Corporation at which this Agreement is adopted was open to the public and public notice of the time, place and subject matter of the public business was considered at such meeting, including this Agreement, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 4.11 TEXAS ETHICS COMMISSION FORM 1295. Unless otherwise exempt, the Developer has delivered to the City, County and Zone Board a Certificate of Interested Parties Form 1295 ("Form 1295") and certification of filing generated by the Texas Ethics Commission's (the "TEC") electronic portal, signed by an authorized agent of each respective entity prior to the execution of this Agreement by the Parties. The Parties understand and agree that, with the exception of information identifying the City, County and Zone Board, and the

contract identification number in each Form 1295, with respect to an exemption from the filing requirement of a Form 1295, the Developer is solely responsible for its claim of exemption, and neither the City, County nor Zone Board, nor its consultants, are responsible for a determination made by the Developer that the Developer is exempt from filing a Form 1295, or for the information contained in any Form 1295 and neither the City, County nor Zone Board, nor its consultants, have verified such information.

SECTION 4.12 VERIFICATION PURSUANT TO CHAPTER 2270 OF THE TEXAS GOVERNMENT CODE. The Developer represents and warrants, for purposes of Chapter 2270 of the Texas Government Code, that at the time of execution and delivery of this Agreement, neither the Developer, nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, boycotts Israel or will boycott Israel. The foregoing verification is made solely to comply with Section 2270.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, "boycotts Israel" and "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

SECTION 4.13 VERIFICATION PURSUANT TO CHAPTER 2252 OF THE TEXAS GOVERNMENT CODE. The Developer represents that, neither the Developer, nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, are companies identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: <https://comptroller.texas.gov/purchasing/docs/sudanlist.pdf>; <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/ftolist.pdf>. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and each parent company, wholly- or majority-owned subsidiaries, and other affiliates of the same, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Developer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

[Signature of Parties on next page]

COMAL COUNTY

By: _____

Name: _____

Title: County Judge

APPROVED AS TO FORM:

District Attorney

DEVELOPER:

A-L 95 Creekside Town Center, L.P.,
A Texas limited partnership

By: A-L 95, L.C., a Texas limited liability Company,
its general partners

By: _____

EXHIBIT F

[Reinvestment Zone No. 1 Resolution Adopting Amended Project and Financing Plan]

REINVESTMENT ZONE NUMBER ONE RESOLUTION 2019-R__

ADOPTING AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESETMENT ZONE NUMBER ONE, CITY OF NEW BRAUNFELS, TEXAS; RECOMMENDING THAT THE CITY OF NEW BRAUNFELS ENLARGE THE BOUNDARIES OF THE ZONE; AUTHORIZING THE EXECUTION OF A PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT; RECOMMENDING APPROVAL OF THE AMENDED PROJECT PLAN AND FINANCING PLAN AND PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT BY THE CITY OF NEW BRAUNFELS; AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "Council") of the City of New Braunfels, Texas (the "City") adopted Ordinance No. 2007-45 on May 29, 2007, which designated Reinvestment Zone Number One, City of New Braunfels, Texas (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

WHEREAS, the Board of Directors of the Zone (the "Zone Board") prepared and adopted a Project Plan and Reinvestment Zone Financing Plan (the "Project and Financing Plan") for the Zone in Reinvestment Zone Number One Resolution 2007-R01 pursuant to Section 311.011 of the Act; and

WHEREAS, the Council adopted Ordinance No. 2007-59 on July 9, 2007, which gave effect to the Project and Financing Plan pursuant to Section 311.011(d) of the Act; and

WHEREAS, the Council adopted Ordinance No. 2010-85 on November 22, 2010, which enlarged the boundaries of the Zone by approximately 18 acres; and

WHEREAS, the Zone Board desires to further enlarge the boundaries of the Zone by adding a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to 311.007 of the Act; and

WHEREAS, A-L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer") has completed the Project and the Project Improvements as such terms are defined in the Economic Development Agreement between the City and the Developer dated March 12, 2007 (the "Economic Development Agreement") and described herein as the Phase I Project; and

WHEREAS, the Developer and the City desire to amend the Economic Development Agreement to include an additional mixed-use phase totaling up to 500,000 square feet, with estimated construction costs and aggregate reimbursement to the Developer from lawfully available Zone revenues in an aggregate amount not to exceed \$3,500,000, plus reimbursement of the Developer's interest on any expenditure authorized in the Amended Project and Financing Plan for a period of up to two years after the expenditure of funds by the Developer, located within the Zone boundaries ("Phase II Project") and establish a Phase II Tax Increment Fund related thereto which will only be funded from lawfully available funds after the satisfaction of all currently

existing obligations of the Zone, including any outstanding bonds of the Zone, as set forth in the Amendment to Economic Development Agreement;

WHEREAS, the Zone Board entered into a Tax Increment Participation Interlocal Agreement for the Zone with the City, the Developer, and Comal County, Texas (the "County"), on July 26, 2007 pursuant to Section 311.013 of the Act (as amended, the "Tax Increment Participation Interlocal Agreement") to permit the taxing units within the Zone to pay into the Tax Increment Fund tax increment produced from property located within the entirety of the Zone; and

WHEREAS, the Zone Board desires to execute a Phase II Tax Increment Participation Interlocal Agreement with the City, County and Developer (the "Phase II Agreement" attached hereto as Exhibit B) to permit the taxing units within the Zone to pay into the Phase II Tax Increment Fund, to the extent funds are lawfully available and all obligations have been satisfied, accrued or generated from property located within the boundaries of the Phase II Project as depicted in Exhibit B; and

WHEREAS, pursuant to Section 311.011(e) of the Act, the Zone Board at any time may adopt an amendment to the Project and Financing Plan consistent with the requirements and limitations of the Act, which shall take effect upon approval by the Council in accordance with Section 311.011(e) of the Act; and

WHEREAS, the Zone Board desires to amend the Project and Financing Plan to include: (i) a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to Section 311.007 of the Act; and (ii) the Phase II Project Improvements and estimates of Phase II Project Costs as set forth and further described in the amended Project and Financing Plan (the "Amended Project and Financing Plan") attached as Exhibit C. **NOW, THEREFORE**,

BE IT RESOLVED BY THE ZONE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE, CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. ADOPTING THE AMENDED PROJECT AND FINANCING PLAN. The Zone Board hereby adopts the Amended Project and Financing Plan for the Zone with modifications to conform to the final business terms as agreed to by the City Manager and directs its submission to the Council for approval.

SECTION 2. RECOMMENDING THE CITY EXPAND THE BOUNDARIES OF THE ZONE. The Zone Board recommends that the City enlarge the boundaries of the Zone by adding a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to Section 311.007 of the Act.

SECTION 3. AUTHORIZING THE EXECUTION OF THE PHASE II AGREEMENT. The Zone Board hereby authorizes the execution of the Phase II Agreement with modifications to conform to the final business terms as agreed to by the City Manager.

SECTION 4. RECOMMENDING THE CITY APPROVE THE PHASE II AGREEMENT AND AMENDED PROJECT AND FINANCING PLAN. The Zone Board recommends that the City approve the Phase II Agreement and the Amended Project and Financing Plan by ordinance in accordance with Section 311.011(e) of the Act, each as may be modified to conform to the final business terms as agreed to by the City Manager.

SECTION 5. FURTHER PROCEEDINGS. The Zone Board is authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof including revising any necessary documents to conform to the terms hereof or State law.

SECTION 6. INCORPORATION OF RECITALS. The Zone Board hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Zone Board hereby incorporates such recitals as part of this Resolution.

SECTION 7. SEVERABILITY. If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and the Zone Board hereby declares that this Resolution would have been enacted without such invalid provision.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2019

By: _____
Chairperson, Board of Directors

EXHIBIT A

[Map and Boundaries of Added Acreage to Reinvestment Zone No. 1]

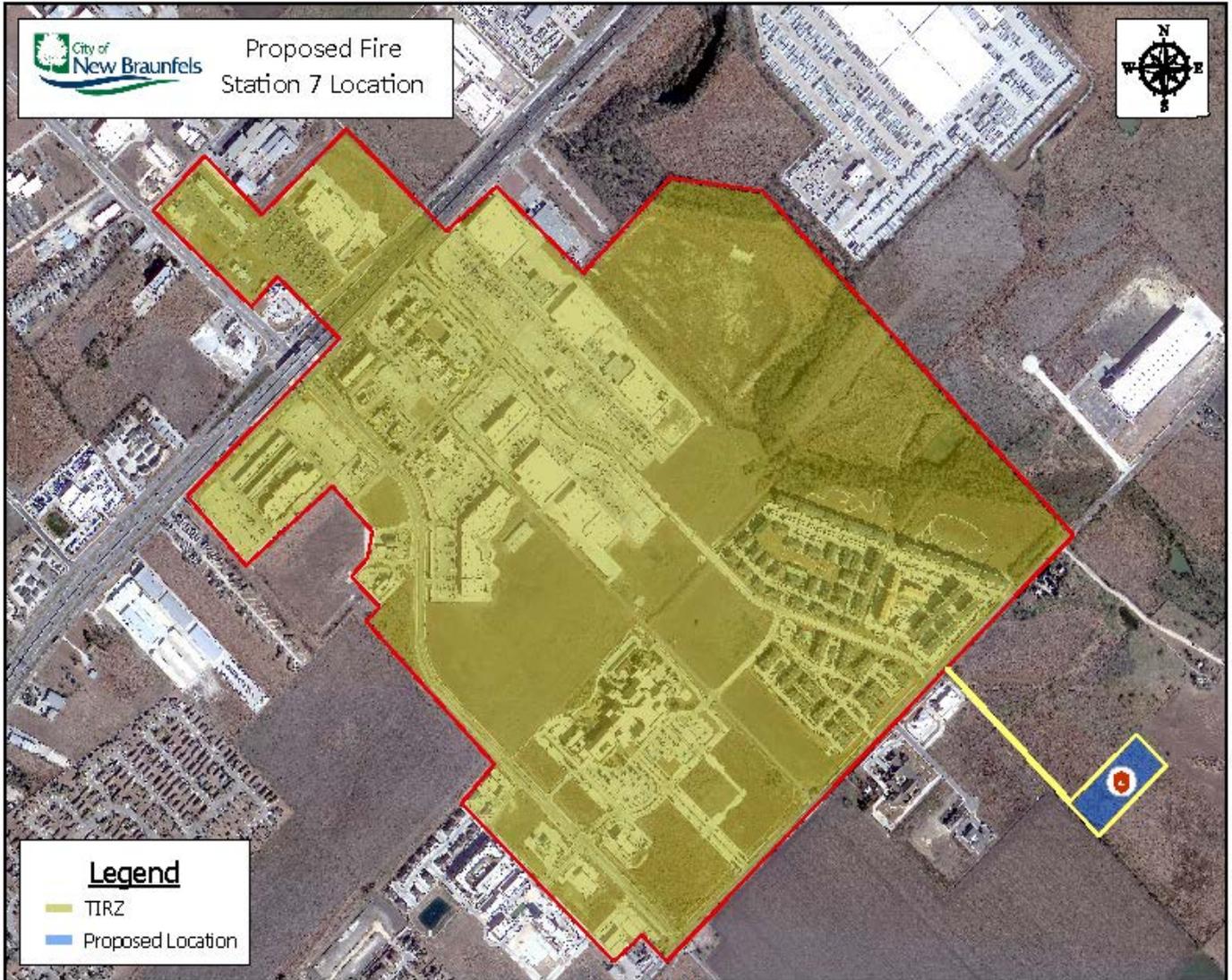


EXHIBIT B

[Phase II Tax Increment Participation Interlocal Agreement for Reinvestment Zone Number One]

EXHIBIT C

[Amended Project and Financing Plan]

ORDINANCE NO. 2019-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ENLARGING THE BOUNDARIES OF REINVESTMENT ZONE NUMBER ONE, CITY OF NEW BRAUNFELS, TEXAS; AMENDING THE PROJECT PLAN AND FINANCE PLAN FOR THE ZONE TO REFLECT THE INCREASED BOUNDARIES AND INCLUDE THE PHASE II PROJECT; AMENDING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS, TEXAS AND A-L 95 CREEKSIDE TOWN CENTER, L.P. TO INCLUDE THE PHASE II PROJECT IMPROVEMENTS AND ESTIMATED COSTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT; AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "Council") of the City of New Braunfels, Texas (the "City") adopted Ordinance No. 2007-45 on May 29, 2007, which designated Reinvestment Zone Number One, City of New Braunfels, Texas (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

WHEREAS, the Council adopted Ordinance No. 2007-59 on July 9, 2007, which adopted the Project Plan and Finance Plan for the Zone (the "Project and Financing Plan"); and

WHEREAS, the Council adopted Ordinance No. 2010-85 on November 22, 2010, which enlarged the boundaries of the Zone by approximately 18 acres; and

WHEREAS, the City desires to further enlarge the boundaries of the Zone by adding a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to Section 311.007 of the Act; and

WHEREAS, the City desires to amend the Project and Financing Plan to include the increase of the geographic boundaries of the Zone for the City's fire station and fire training facility as depicted on the attached Exhibit A and the Phase II Project Improvements and estimates of Phase II Project Costs as set forth in the Amended Project and Financing Plan attached as Exhibit B; and

WHEREAS, A-L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer") has completed the Project and the Project Improvements as such terms are defined in the Economic Development Agreement between the City and the Developer dated March 12, 2007 (the "Economic Development Agreement") and described herein as the Phase I Project; and

WHEREAS, the City desires to amend the Economic Development Agreement to include an additional mixed-use phase totaling up to 500,000 square feet, with estimated construction costs and aggregate reimbursement to the Developer from lawfully available Zone revenues in an amount not to exceed \$3,500,000, plus reimbursement of the Developer's interest on any

expenditure authorized in the Amended Project and Financing Plan for a period of up to two years after the expenditure of funds by the Developer, located within the Zone boundaries ("Phase II Project") and establish a Phase II Tax Increment Fund related thereto which will only be funded from lawfully available funds after satisfaction of all currently existing obligations of the Zone, including any outstanding bonds of the Zone, as set forth in the Amendment to Economic Development Agreement attached as Exhibit D; and

WHEREAS, the City entered into a Tax Increment Participation Interlocal Agreement for the Zone with Comal County, Texas (the "County"), the Board of Directors of the Zone (the "Zone Board"), and the Developer on July 26, 2007 pursuant to Section 311.013 of the Act (as amended, the "Tax Increment Participation Interlocal Agreement") to permit the taxing units within the Zone to pay into the Tax Increment Fund tax increment produced from property located within the entirety of the Zone; and

WHEREAS, the City desires to execute a Phase II Tax Increment Participation Interlocal Agreement with the County, Zone Board and Developer (the "Phase II Agreement" attached hereto as Exhibit E) to permit the taxing units within the Zone to pay into the Phase II Tax Increment Fund, to the extent funds are lawfully available and all obligations have been satisfied, accrued or generated from property located within the boundaries of the Phase II Project as depicted in Exhibit C; and

WHEREAS, on January 10, 2019, the Zone Board adopted an amendment to the Project and Financing Plan (the "Amended Project and Financing Plan," attached herein as Exhibit F), increasing the geographic area of the zone for the City's fire station and training facility as depicted on the attached Exhibit A, and approved the Amended Project and Financing Plan; and

WHEREAS, on January 10, 2019, the Zone Board recommended that the City adopt the Amended Project and Financing Plan; and

WHEREAS, pursuant to the Act, the City must amend the Project and Financing Plan by ordinance; and

WHEREAS, notice of a public hearing to be held on January 28, 2019, was duly published in the *New Braunfels Herald-Zeitung* in its issue dated January 18, 2019, in compliance with Section 311.003(c) of the Act; and

WHEREAS, a public hearing was held on January 28, 2019, at 6 p.m. in City Hall, New Braunfels, Texas (the "Hearing") to consider the amendment to the Project and Financing Plan at which time the City provided a reasonable opportunity for protest in accordance with Section 311.003(d) of the Act; and

WHEREAS, the Council hereby finds and determines that the adoption of this Ordinance is in the best interests of the citizens of New Braunfels, Texas; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

SECTION 1. The City, after conducting the Hearing and having heard such evidence and testimony, has made the following findings and determinations based upon the testimony presented:

- (a) That the Hearing on the proposed Amended Project and Financing Plan has been properly called, held and conducted and that notices of the Hearing have been published at least seven (7) days before the Hearing in a newspaper of general circulation in the City.
- (b) That the boundaries of the Zone should be increased by adding approximately 4.5 acres of land to the Zone so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A.

SECTION 2. The Project and Financing Plan is hereby amended to: (i) reflect the increase of the geographic boundaries of the Zone for the City's fire station and fire training facility as depicted on the attached Exhibit A and (ii) incorporate the addition of the Phase II Project.

SECTION 3. The Council hereby approves the Project and Financing Plan for the Zone, as amended herein.

SECTION 4. The Economic Development Agreement is hereby amended to include the Phase II Project and costs related thereto and establish a Phase II Tax Increment Fund.

SECTION 5. The execution by the City of the Phase II Agreement is hereby authorized.

SECTION 6. The officers of the City are authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof.

SECTION 7. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 8. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 9. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 10. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 11. It is officially found, determined, and declared that the meeting at which this Ordinance 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 Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 12. This Ordinance shall be in force and effect from and after its final passage and it is so ordained.

[The remainder of this page intentionally left blank.]

FIRST READING on the 28th day of January, 2019.

SECOND AND FINAL READING, PASSED, AND ADOPTED on the ___ day of _____, 2019.

CITY OF NEW BRAUNFELS

Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary
(City Seal)

APPROVED AS TO LEGALITY:

Valeria Acevedo, City Attorney

EXHIBIT A

[Map and Boundaries of Added Acreage to Reinvestment Zone No. 1]

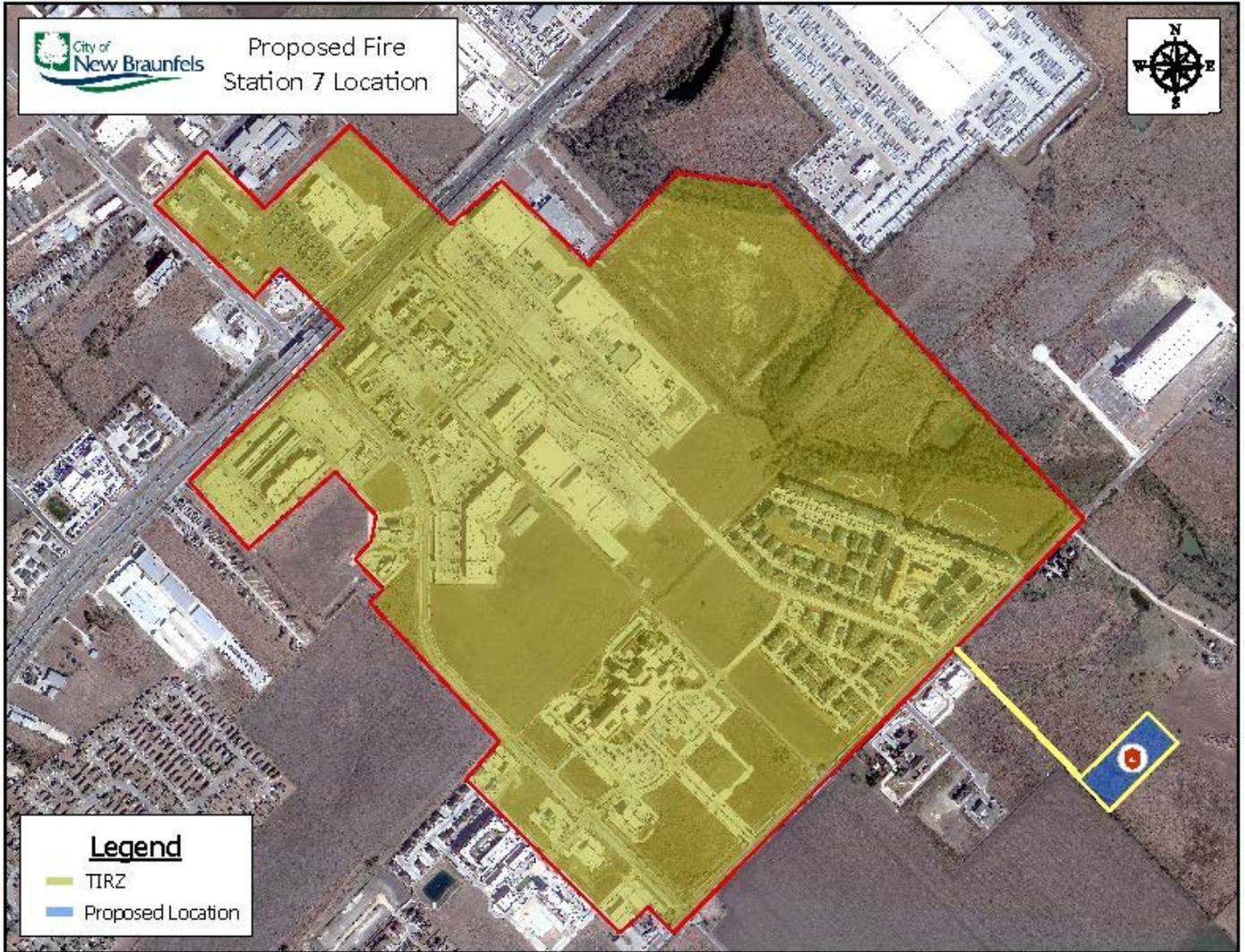


EXHIBIT B
[Amended Project and Financing Plan]

EXHIBIT D

[Amendment to Economic Development Agreement]

EXHIBIT E

[Phase II Tax Increment Participation Interlocal Agreement for Reinvestment Zone Number One]

EXHIBIT F

[Reinvestment Zone No. 1 Resolution Adopting Amended Project and Financing Plan]

**Amended Project Plan & Reinvestment Zone Financing Plan
Tax Increment Reinvestment Zone No.1
City of New Braunfels, Texas**

**Amended Project Plan and Reinvestment Zone
Financing Plan**

1. Summary of Amendment
2. Exhibits

Summary of Amendment

Pursuant to Section 311.011(e), Texas Tax Code, an Amended Project Plan and Reinvestment Zone Financing Plan (the "Amended Project and Financing Plan") was adopted by the City of New Braunfels, Texas on January 28, 2019 to add approximately 4.5 acres of land for the fire station and a fire training facility for the City of New Braunfels, Texas into Tax Increment Reinvestment Zone No. 1, City of New Braunfels, Texas (the "TIRZ"), with an added anticipated cost between \$8,000,000 and \$13,000,000, and expected to be approximately \$10,500,000. The total TIRZ acreage after inclusion of the additional land will be approximately 512 acres. The boundaries of the TIRZ now encompass the area depicted on the attached **Exhibit A**. The Amended Plan additionally incorporates the Phase II Project Improvements and estimates of Phase II Project Costs listed in **Exhibit B** to this Amended Plan.

In connection with the addition of land and the Phase II Project, the exhibits attached hereto shall be incorporated into the Amended Plan. Except as amended by the revised exhibits attached hereto, the Project Plan and Reinvestment Zone Financing Plan for Tax Increment Reinvestment Zone No.1 remains unchanged and in full force and effect.

Executive Summary of Phase II

An Amendment to Economic Development Agreement was executed by and between the City of New Braunfels, Texas (the "City") and A-L 95 Creekside Town Center, L.P. (the "Developer") dated January ____, 2019 (the "Amended Development Agreement"), which is hereby incorporated by reference. Under the Amended Development Agreement, the Developer will be reimbursed from revenue generated by the Zone within the boundaries of the Phase II Project in an amount not to exceed \$3,500,000 plus two years of interest for construction of infrastructure and drainage facilities within the Phase II Project. The Developer intends to construct the Phase II Project Improvements listed herein and will be reimbursed for costs incurred for the construction of the Phase II Project Improvements by the Authority through TIRZ revenues solely from tax increments having accrued or generated from the Phase II Project (the "Phase II Tax Increment") to the extent such funds are lawfully available. Disbursement of the Phase II Tax Increment is subordinate to owners and holders of any Bonds issued by the Authority.

EXHIBIT A

[Map and Boundaries of Added Acreage to Reinvestment Zone No. 1]

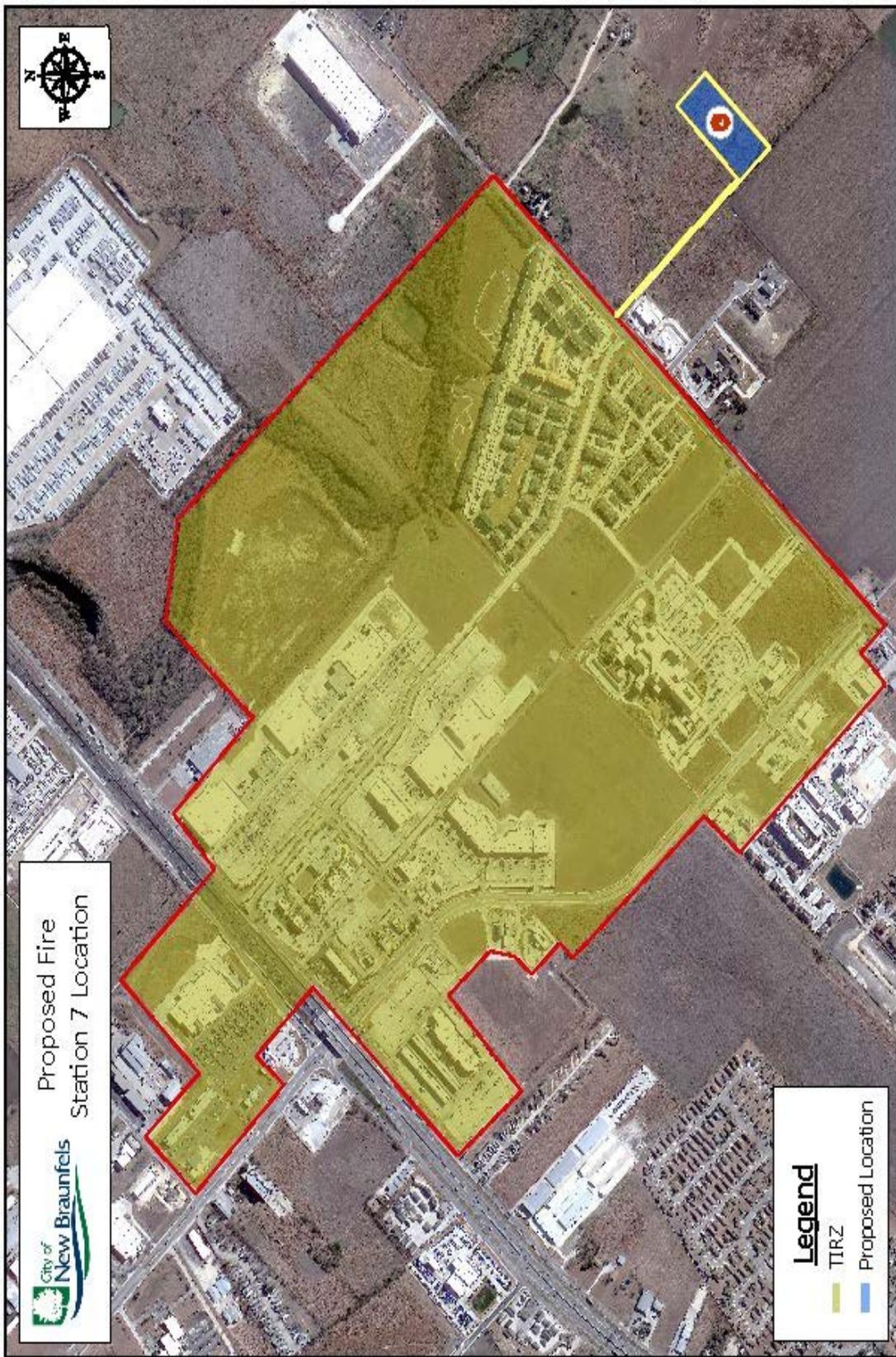
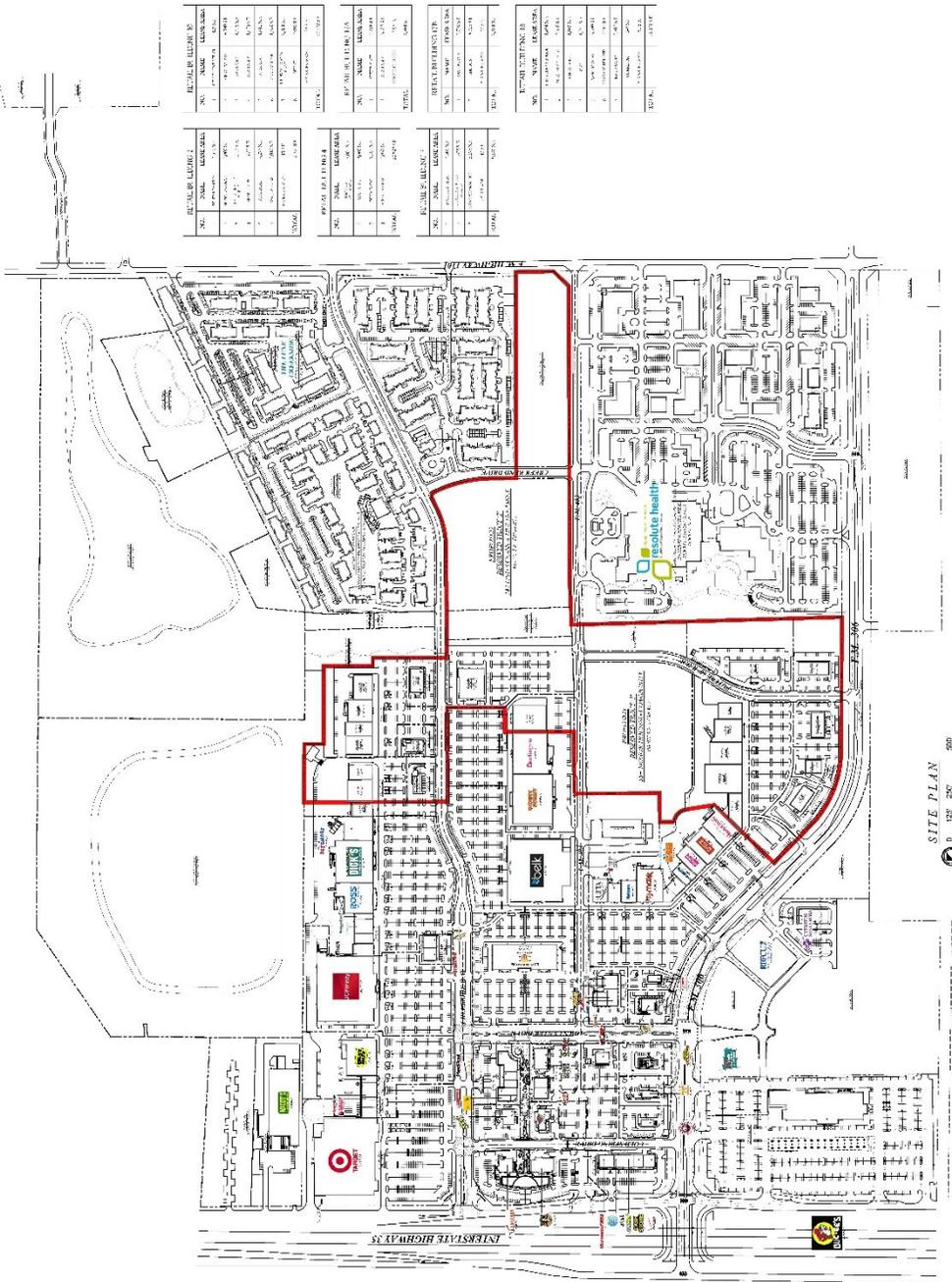


EXHIBIT B

[Map and Boundaries of the Phase II Project and the Phase II Project Improvements and Project Costs – Supplements Project Overview and Costs on Page 6]



NEW BRAUNFELS TOWN CENTER AT CREEKSIDE (SP-554)

SITE PLAN
 1" = 100'
 0' 100' 200'

EXHIBIT
 N.E.O.F. INTERSTATE HIGHWAY 35 & F.M. 306
 NEW BRAUNFELS, TEXAS

NewQuest
 8824 W. Sam Houston Parkway N
 Houston, TX 77064
 281.477.4300 www.newquest.com

| IMPROVEMENT SYNOPSIS | |
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DATE: 08-23-10

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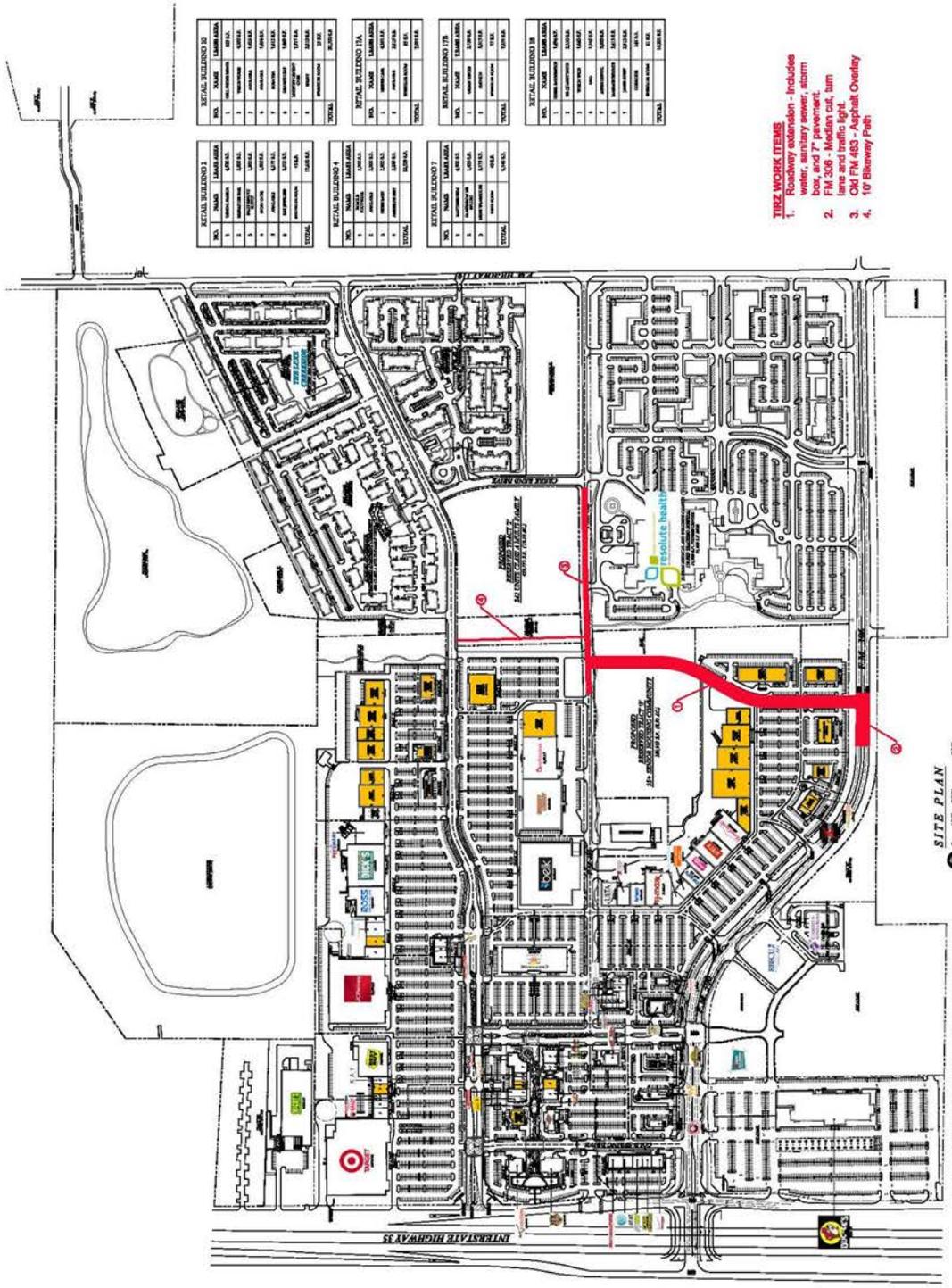
1" = 100'

0' 100' 200'

DATE: 08-23-10

DEVELOPMENT SYNOPSIS

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| TOTAL | 1,000 |

| RETAIL BUILDING 11A | |
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| NO. | 1 |
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| AREA | 1,000 |
| TOTAL | 1,000 |

| RETAIL BUILDING 11B | |
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| NO. | 1 |
| NAME | LAUNDRY AREA |
| AREA | 1,000 |
| TOTAL | 1,000 |

| RETAIL BUILDING 11C | |
|---------------------|--------------|
| NO. | 1 |
| NAME | LAUNDRY AREA |
| AREA | 1,000 |
| TOTAL | 1,000 |

| RETAIL BUILDING 12 | |
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| NO. | 1 |
| NAME | LAUNDRY AREA |
| AREA | 1,000 |
| TOTAL | 1,000 |

| RETAIL BUILDING 13 | |
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| NO. | 1 |
| NAME | LAUNDRY AREA |
| AREA | 1,000 |
| TOTAL | 1,000 |

| RETAIL BUILDING 14 | |
|--------------------|--------------|
| NO. | 1 |
| NAME | LAUNDRY AREA |
| AREA | 1,000 |
| TOTAL | 1,000 |

| RETAIL BUILDING 15 | |
|--------------------|--------------|
| NO. | 1 |
| NAME | LAUNDRY AREA |
| AREA | 1,000 |
| TOTAL | 1,000 |

| RETAIL BUILDING 16 | |
|--------------------|--------------|
| NO. | 1 |
| NAME | LAUNDRY AREA |
| AREA | 1,000 |
| TOTAL | 1,000 |

| RETAIL BUILDING 17 | |
|--------------------|--------------|
| NO. | 1 |
| NAME | LAUNDRY AREA |
| AREA | 1,000 |
| TOTAL | 1,000 |

| RETAIL BUILDING 18 | |
|--------------------|--------------|
| NO. | 1 |
| NAME | LAUNDRY AREA |
| AREA | 1,000 |
| TOTAL | 1,000 |

- TIRZ WORK ITEMS**
1. Roadway extension - Includes water, sanitary sewer, storm box, and 7' pavement.
 2. FM 308 - Median cut, turn lane and traffic light.
 3. Old FM 485 - Asphalt Overlay
 4. 10' Blottery Path



NEW BRAUNFELS TOWN CENTER AT CREEKSIDE (SP-552)

PRELIMINARY STUDY
 NBC OF INTERSTATE HIGHWAY 35 & F.M. 396
 NEW BRAUNFELS, TEXAS



Creekside
Infrastructure Costs
7/30/2018
South Retail Phase (Public Infrastructure Only)

| Item No. | Description | Amount | Unit | Unit Price | Item Total |
|--|--|--------|--------------|--------------|--------------------|
| Storm Box Extension | | | | | |
| 1 | Mobilization | 1 | LS | \$25,000.00 | \$25,000 |
| 2 | Clear and strip alignment | 1.3 | Acres | \$2,000.00 | \$2,600 |
| 3 | Connection at slope pavement at FM 483 | 1 | Ea | \$15,000.00 | \$15,000 |
| 4 | 9' x 6' RCB | 1425 | LF | \$450.00 | \$641,250 |
| 5 | Junction box | 5 | Ea | \$10,000.00 | \$50,000 |
| 6 | Seed disturbed areas | 1 | Acres | \$800 | \$800 |
| 7 | Stabilized entrance | 1 | LS | \$750.00 | \$750 |
| | Storm Box Extension | | Total | | \$735,400 |
| Sanitary Sewer Extension | | | | | |
| 8 | Mobilization | 1 | LS | \$20,000.00 | \$20,000 |
| 9 | Clear and strip alignment | 2 | Acres | \$2,000.00 | \$4,000 |
| 10 | 10" Sanitary Sewer | 2600 | LF | \$55.00 | \$143,000 |
| 11 | Manhole | 8 | Ea | \$2,500.00 | \$20,000 |
| | Sanitary Sewer Extension | | Total | | \$187,000 |
| Water Extension | | | | | |
| 12 | Mobilization | 1 | LS | \$20,000.00 | \$20,000 |
| 13 | Clear and strip alignment | 1 | Acres | \$2,000.00 | \$2,000 |
| 14 | 12" Water | 2765 | LF | \$50.00 | \$138,250 |
| 15 | Fire Hydrant with cross and valve | 12 | Ea | \$5,000.00 | \$60,000 |
| 16 | Connection to existing lines | 2 | Ea | \$10,000.00 | \$20,000 |
| | Water Extension | | Total | | \$240,250 |
| Roadway Costs | | | | | |
| 17 | Mobilization and bonds | 1 | LS | \$45,000.00 | \$45,000 |
| 18 | Roadway excavation | 3100 | CY | \$5.00 | \$15,500 |
| 19 | Subgrade Preparation | 5100 | SY | \$3.00 | \$15,300 |
| 20 | 7" Pavement | 4635 | SY | \$42.00 | \$194,670 |
| 21 | Concrete Curb | 2780 | LF | \$3.00 | \$8,340 |
| 22 | Pavement Marking and Signage | 1 | LS | \$5,000.00 | \$5,000 |
| 23 | 24" RCP | 150 | Ea | \$75.00 | \$11,250 |
| 24 | Storm Inlets | 10 | Ea | \$3,000.00 | \$30,000 |
| 25 | Manholes on RCB | 5 | Ea | \$2,500.00 | \$12,500 |
| 26 | Reinforced Filter Fabric Fence | 2780 | LF | \$2.50 | \$6,950 |
| 27 | Stabilized entrance | 1 | LS | \$750.00 | \$750 |
| | Roadway Costs | | Total | | \$345,260 |
| FM 306 and Old FM 483 Improvements | | | | | |
| 28 | Mobilization and bonds | 1 | LS | \$50,000.00 | \$50,000 |
| 29 | Demo median and curb, excavate | 7200 | SF | \$3.00 | \$21,600 |
| 30 | Subgrade Preparation | 6800 | SF | \$2.00 | \$13,600 |
| 31 | 7" Pavement | 4500 | SF | \$5.00 | \$22,500 |
| 32 | Concrete Curb | 850 | LF | \$3.00 | \$2,550 |
| 33 | Pavement Marking and Signage | 1 | LS | \$10,000.00 | \$10,000 |
| 34 | Hard Median | 1500 | SF | \$4.00 | \$6,000 |
| 35 | Curb Cut Ramps | 4 | Ea | \$4,000.00 | \$16,000 |
| 36 | Traffic Control | 1 | LS | \$10,000.00 | \$10,000 |
| 37 | Traffic Light at FM 306 | 1 | LS | \$350,000.00 | \$350,000 |
| 38 | Asphalt Overlay on old FM 483 - Approximately 2600' | 1 | LS | \$300,000.00 | \$300,000 |
| | FM 306 and Old FM 483 Improvements | | Total | | \$802,250 |
| Bikeway - 670 feet from FM 483 to Creekside Way | | | | | |
| 39 | Mobilization and bonds | 1 | LS | \$5,000.00 | \$5,000 |
| 40 | Grading | 400 | CY | \$10.00 | \$4,000 |
| 41 | Subgrade Preparation | 900 | SY | \$5.00 | \$4,500 |
| 42 | 5" Pavement | 745 | SY | \$35.00 | \$26,075 |
| 46 | Curb Cut Ramps | 2 | Ea | \$5,000.00 | \$10,000 |
| | Bikeway - 670 feet from FM 483 to Creekside Way | | Total | | \$49,575 |
| Subtotal | | | | | \$2,359,735 |
| Contingency (10%) | | | | | \$235,974 |
| Engineering (15%) | | | | | \$410,122 |
| Total | | | | | \$3,005,830 |

EXHIBIT C

[Commercial Build Out Schedule – Supplements Schedule A on Page 21]

Schedule A
Commercial Build Out Schedule (in thousands)

| Commercial Project Values | 2020 | | 2021 | | 2022 | | 2023 | | 2024 | |
|---------------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|-----------------|--------------------|
| | Square Feet (K) | Captured Value (K) |
| Retail | 42.0 | \$6,090 | 9.0 | \$990 | 48.5 | \$7,033 | 70.5 | \$7,755 | 96.9 | \$10,659 |
| Restaurant | - | \$0 | 6.0 | \$1,650 | 5.0 | \$1,375 | - | \$0 | 3.4 | \$935 |
| Hotel | - | \$0 | 60.0 | \$8,160 | - | \$0 | - | \$0 | - | \$0 |
| Senior Housing Tract | - | \$0 | - | \$30,000 | - | \$0 | - | \$0 | - | \$0 |
| Multifamily Tract | - | \$35,000 | - | \$0 | - | \$0 | - | \$0 | - | \$0 |
| | 42.00 | | 75.00 | | 53.50 | | 70.50 | | 100.30 | |
| Total Captured Value | | \$41,090 | | \$40,800 | | \$7,033 | | \$7,755 | | \$11,594 |
| Cumulative Captured Value | | \$41,090 | | \$81,890 | | \$88,923 | | \$96,678 | | \$108,272 |

EXHIBIT D

[Projected Annual Tax Revenue and Projected Assessed Valuations – Supplements Schedule B on Page 21]

10/19/18
SP-552

NEW BRAUNFELS TOWN CENTER AT CREEKSIDE
New Braunfels, TX
NEC Hwy. 35 & FM 306

| Projected Annual Tax Revenue | | | | | | | | | |
|--|---------------------|--------|-------------------|-------------------------|------------------|----------|-----------------------------|---------------------|--|
| | Real Property Taxes | | | Personal Property Taxes | | | Annual Sales Tax Projection | | |
| | SF | Per SF | Total Tax Value | Per SF | Total Tax Value | Per SF | Total Sales | Taxable Sales | |
| Tract 24- Inline Retail | 11,730 | 125 | 1,466,250 | 20 | 234,600 | 200 | 2,346,000 | 2,346,000 | |
| Tract 24- Jr. Box Retail | 78,750 | 125 | 9,843,750 | 20 | 1,575,000 | 200 | 15,750,000 | 15,750,000 | |
| Tract 25- Freestanding Retail | 8,750 | 75 | 656,250 | 20 | 175,000 | 200 | 1,750,000 | 1,750,000 | |
| Tract 26- Proposed Restaurant | 5,950 | 275 | 1,636,250 | 30 | 178,500 | lump sum | 1,800,000 | 1,800,000 | |
| Tract 27- Freestanding Retail | 9,100 | 75 | 682,500 | 20 | 182,000 | 200 | 1,820,000 | 1,820,000 | |
| Tract 28- Freestanding Retail | 11,200 | 75 | 840,000 | 20 | 224,000 | 200 | 2,240,000 | 2,240,000 | |
| Tract 29- Future Hotel | 60,000 | 136 | 8,178,000 | lump sum | 250,000 | lump sum | 2,160,000 | 2,160,000 | |
| Senior Housing Tract | - | - | 30,000,000 | - | - | - | - | - | |
| Reserve 2 Apartment Tract | - | - | 35,000,000 | - | - | - | - | - | |
| | | | lump sum | | | | | | |
| | | | 88,303,000 | | 2,819,100 | | 27,866,000 | 27,866,000 | |
| City of New Braunfels Property Tax Rate/\$100 | | | 0.48822 | | 0.48822 | | | | |
| City of New Braunfels Projected Property Tax (\$) | | | 431,113 | | 13,763 | | | | |
| Comal County Property Tax Rate/\$100 | | | 0.30782 | | 0.30782 | | | | |
| Comal County Projected Property Tax (\$) | | | 271,815 | | 8,678 | | | | |
| City of New Braunfels Sales Tax Rate | | | | | | | | 1.50% | |
| City of New Braunfels Projected Sales Tax (\$) | | | | | | | | 417,990 | |
| Comal County Sales Tax Rate | | | | | | | | 0.50% | |
| Comal County Projected Sales Tax (\$) | | | | | | | | 139,330 | |
| Projected Annual Tax Revenue | | | \$ 702,928 | | \$ 22,441 | | \$ 557,320 | \$ 1,282,689 | |
| City of New Braunfels TIRZ Participation- Property Tax (85% of collected amount) | | | | | | | | 378,145 | |
| Comal County TIRZ Participation- Property Tax (85% of collected amount) | | | | | | | | 238,419 | |
| City of New Braunfels TIRZ Participation- Sales Tax (1/2 of 1% of sales and use taxes collected) | | | | | | | | 139,330 | |
| Comal County TIRZ Participation- Sales Tax- No Participation | | | | | | | | - | |
| Total Annual TIRZ Contribution by City and County | | | | | | | | \$ 755,894 | |

Schedule B
Project Assessed Valuations

| Tax Roll Jan 1 | Cumulative Commercial Valuation | City Projected Taxable Valuation | County Projected Taxable Valuation |
|----------------|---------------------------------|----------------------------------|------------------------------------|
| 2020 | \$41,090,000 | \$41,090,000 | \$41,090,000 |
| 2021 | \$81,890,000 | \$81,890,000 | \$81,890,000 |
| 2022 | \$88,923,000 | \$88,923,000 | \$88,923,000 |
| 2023 | \$96,678,000 | \$96,678,000 | \$96,678,000 |
| 2024 | \$108,272,000 | \$108,272,000 | \$108,272,000 |

Schedule G
Project Zone Revenue Phase II
(Sales Tax)

| Year | Retail Businesses | | | EDC Sales Tax | | Total Sales Tax | | Sales Tax Revenue Available For Zone Projects * | |
|---------------|------------------------|----------|---------------------|----------------------|---------------------|---------------------|--------------------|---|-----------|
| | Gross Sales | City Tax | Tax Generated | Revenue (0.375% Tax) | Revenue | Revenue | Revenue | Revenue | Revenue |
| 2020 | \$8,400,000 | 1.125% | \$94,500 | \$31,500 | \$126,000 | \$126,000 | \$40,950 | \$40,950 | \$66,788 |
| 2021 | \$13,700,000 | 1.125% | \$154,125 | \$51,375 | \$205,500 | \$205,500 | \$66,788 | \$66,788 | \$121,388 |
| 2022 | \$24,900,000 | 1.125% | \$280,125 | \$93,375 | \$373,500 | \$373,500 | \$121,388 | \$121,388 | \$190,125 |
| 2023 | \$39,000,000 | 1.125% | \$438,750 | \$146,250 | \$585,000 | \$585,000 | \$190,125 | \$190,125 | \$289,478 |
| 2024 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2025 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2026 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2027 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2028 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2029 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2030 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2031 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2032 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2033 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2034 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2035 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2036 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2037 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2038 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2039 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2040 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2041 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2042 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2043 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2044 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| 2045 | \$59,380,000 | 1.125% | \$668,025 | \$222,675 | \$890,700 | \$890,700 | \$289,478 | \$289,478 | \$289,478 |
| Totals | \$1,392,360,000 | | \$15,664,050 | \$5,221,350 | \$20,885,400 | \$20,885,400 | \$6,787,755 | \$6,787,755 | |

* Represents EDC sales tax of 0.375% + City Sales Tax of 0.125% per the Development Agreement

AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT
BY AND BETWEEN NEW BRAUNFELS, TEXAS
AND
A-L CREEKSIDE TOWN CENTER, L.P.

THIS AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT (the “Amendment”) by and between the City of New Braunfels, Texas, a Texas home-rule municipal corporation (the “City”) and A-L 95 Creekside Town Center, L.P., a Texas limited partnership (“Developer”), (collectively referred to as the “Parties”) is entered into on this _____ day of _____, 2019 (the “Effective Date”).

RECITALS

WHEREAS, Developer and the District entered into an Economic Development Agreement dated March 12th, 2007 (“Agreement”) for the purpose of enhancing and stimulating business and commercial activity in the City, and promoting economic development in the City; and

WHEREAS, the Developer has completed the Project and the Project Improvements as defined in the Agreement and has been reimbursed the full Reimbursement Amount from TIRZ revenues in accordance with the Project Plan of Plan of Finance and the terms of the Agreement;

WHEREAS, the Developer intends to construct a Phase II of the Project located within the TIRZ boundaries and is seeking reimbursement of the Phase II Project Costs as defined herein;

WHEREAS, the City intends to amend the Project Plan and Plan of Finance to include the Phase II Projects, and the Parties desire to increase the Reimbursement Amount from TIRZ revenues to include the Phase II Project Costs in order to further such economic development purposes within the City and the TIRZ.

NOW, THEREFORE, for and in consideration of the promises and the mutual agreements set forth herein, the Parties hereby agree as follows:

AGREEMENT

1. The Agreement is amended by adding Article IV, PHASE II PROJECT.

ARTICLE IV
PHASE II PROJECT

1. Phase II Project. The Developer intends to construct (or cause to be constructed) an additional mixed-use phase totaling up to 500,000 square feet with an estimated construction cost of approximately \$3,005,830 within the existing Creekside Town Center (“Phase II Project”). The Phase II Project is to be constructed in substantial accordance with the Conceptual Site Plan attached as Exhibit “B-1”, or such plan as revised from time to time. For purposes of the Agreement, the term “Project” as defined in the Agreement shall also incorporate the Phase II Project.

2. Phase II Project Improvements. The Developer intends to construct or cause the construction of the public infrastructure and improvements set forth in “Exhibit C-1” (“Phase II Project Improvements”). The term “Project Improvements” as defined in the Agreement and terms related thereto shall include and incorporate the Phase II Project Improvements. Expenditures for Phase II Project Improvements included as estimates on “Exhibit C-1” and as included in the Amended Project Plan and Plan of Finance are defined as Phase II Project Costs.

3. Amended Project Plan and Plan of Finance. The City and Developer agree to jointly prepare and approve a mutually acceptable amended Project Plan and Plan of Finance (“Amended Project Plan and Plan of Finance”) for the TIRZ that includes the Phase II Project Improvements and estimates of Phase II Project Costs listed on “Exhibit C-1.” The Parties agree to use commercially reasonable efforts to mutually agree to an Amended Project Plan and Plan of Finance that is consistent with the terms of this Amendment, and the Parties agree that their approval of an Amended Project Plan and Plan of Finance shall not be unreasonably delayed or withheld.

4. Phase II Developer Reimbursement. The Developer shall be reimbursed by the local government corporation created by the City (“the New Braunfels Development Authority” or the “Authority”) through TIRZ revenues for the actual construction costs included in the Amended Project Plan and Plan of Finance in an aggregate amount not to exceed \$3,500,000, plus reimbursement of the Developer’s interest on any expenditure authorized in the Amended Project Plan and Plan of Finance for a period of up to two years after the expenditure of funds by the Developer (the “Phase II Developer Reimbursement”). Interest shall

be calculated per the Agreement. The Phase II Developer Reimbursement shall be paid solely from the Phase II Tax Increment Fund (defined below).

(a) Phase II Tax Increment Fund. All Tax Increment (as defined in the Tri-Party Agreement described herein) accruing or generated from the Phase II Project shall be defined as the Phase II Tax Increment. Pursuant to the terms of the Management and Administrative Services Agreement By and Among the City, the TIRZ and the Authority (the "Tri-Party Agreement"), the City shall create a subaccount of the Tax Increment Fund, the Phase II Tax Increment Fund. The City shall deposit all Phase II Tax Increment into the Phase II Tax Increment Fund. The Developer will use all commercially reasonable efforts to provide the Authority and the City on an annual basis (by February 1 of each year) with a list of tax accounts that comprise the Phase II Project. The Developer is entitled to reimbursement herein only from the Phase II Tax Increment collected in the Phase II Tax Increment Fund.

(b) Approval of Phase II Projects; Disbursement of Tax Increment. The Authority (on behalf of the City pursuant to the Tri-Party Agreement) shall pay all or a portion of the Phase II Developer Reimbursement for any Phase II Project Improvement authorized in the Amended Project Plan and Plan of Finance and submitted by the Developer for reimbursement as provided for in this Article IV. The Developer shall request to the Authority in writing that particular expenditures be reimbursed and provide written documentation of such expenditures to the Authority including invoices or other acceptable proof of expenditures satisfactory to the Authority for such payments. For approved Phase II Project Costs, the Authority shall distribute to the Developer any Phase II Tax Increment accrued in the Phase II Tax Increment Fund to pay all or any portion of the Phase II Project Costs for reimbursement. The Authority will make such distributions on a semi-annual basis (each March 1 and September 1) until the Phase II Reimbursement is paid in full.

(c) Priority of Use of Tax Increment; Pledge to Bonds. The Parties understand that the Authority has a duty to use the Tax Increment in accordance with the Tri-Party Agreement which prioritizes the Tax Increment in the TIRZ (including subaccounts and the Phase II Tax Increment) to owners and holders of any Bonds issued by the Authority and any other Authority Obligations, and the disbursement of the Phase II Tax Increment pursuant to this Amendment is subordinate to those obligations.

(d) Reimbursement from Bond Proceeds. As an alternative to this Article IV, Section 4, the City may determine to reimburse the Developer for Phase II Project Costs from bonds issued by the Authority in accordance with the terms of the Agreement.

2. Except as explicitly set forth in this Amendment, no other terms of the Agreement are modified or amended, and except as otherwise modified herein, the terms of the Agreement are in full force and effect.

3. The provisions of the Amendment and the Agreement should be read together and construed as one agreement provided that, in the event of any conflict or inconsistency between the provision of this Amendment and the Agreement, the provisions of this Amendment shall control.

4. The Agreement (including the Amendment) shall remain in force and effect until the Phase II Developer Reimbursement is paid in full or until the expiration date of the TIRZ, whichever is earlier.

5. Unless otherwise exempt, the Developer has delivered to the City, a Certificate of Interested Parties Form 1295 ("Form 1295") and certification of filing generated by the Texas Ethics Commission's (the "TEC") electronic portal, signed by an authorized agent of each respective entity prior to the execution of this Amendment by the Parties. The Parties understand and agree that, with the exception of information identifying the City, and the contract identification number in each Form 1295, with respect to an exemption from the filing requirement of a Form 1295, the Developer is solely responsible for its claim of exemption, and the City, nor its consultants, is responsible for a determination made by the Developer that the Developer is exempt from filing a Form 1295, or for the information contained in any Form 1295 and the City, nor its consultants, has verified such information.

6. The Developer represents and warrants, for purposes of Chapter 2270 of the Texas Government Code that at the time of execution and delivery of this Agreement, neither the Developer nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, boycotts Israel or will boycott Israel. The foregoing verification is made solely to comply with Section 2270.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, "boycotts Israel" and "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

7. The Developer represents that, neither the Developer, nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, are companies identified on a list prepared and maintained by the Texas Comptroller of

Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: <https://comptroller.texas.gov/purchasing/docs/sudanlist.pdf>; <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/ftolist.pdf>. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and each parent company, wholly- or majority-owned subsidiaries, and other affiliates of the same, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Developer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

IN WITNESS WHEREOF, the parties hereto may execute this Amendment in multiple copies, each of equal dignity, as of the date and year set forth on the first page hereof.

CITY:

CITY OF NEW BRAUNFELS, a Texas home-rule municipal corporation

By: _____
Mayor

Attest:

City Secretary

DEVELOPER:

A-L 95 CREEKSIDE TOWN CENTER, L.P.,
a Texas limited partnership

By: A-L 95, L.C., a Texas limited liability
company, General Partner

By: _____
Steven D. Alvis, Manager

**PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT
FOR REINVESTMENT ZONE NUMBER ONE**

THIS PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT ("Agreement") is made pursuant to Section 311.013 of the Texas Tax Code by and between the City of New Braunfels, Texas (the "City"), a municipal corporation and home-rule city of the State of Texas principally situated in the County of Comal, acting by and through its City Manager pursuant to Ordinance No. 2019-___, passed and approved by the City Council on January 28, 2019; Comal County (the "County"), a political subdivision of the State of Texas, acting by and through its County Judge pursuant to authority granted by the Comal County Commissioners Court on January 31, 2019; and the Board of Directors for Reinvestment Zone Number One (1), City of New Braunfels, Texas (the "Zone Board"), a Reinvestment Zone created by the City pursuant to Chapter 311 of the Texas Tax Code; and A-L 95 Creekside Town Center, L.P., a Texas Limited Partnership (the "Developer"), acting through the manager of its general partner A-L 95, L.C., a Texas Limited Liability Company. Collectively, the City, County, Developer, and Zone Board may be referred to herein singularly as a "Party" or collectively as "Parties."

In consideration of the covenants set forth herein, and subject to the terms and conditions herein, the City, County, Developer and Zone Board hereby agree to the terms and conditions of this Agreement. All exhibits are hereby incorporated into this Agreement by this reference for all purposes.

RECITALS

WHEREAS, on July 26, 2007, the Parties entered into a Tax Increment Participation Interlocal Agreement for Reinvestment Zone Number One (as amended, the "Phase I Agreement") providing for payments into the Tax Increment Fund of Tax Increments produced from property located in Reinvestment Zone Number One pursuant to Chapter 311 of the Texas Tax Code; and

WHEREAS, the Developer has completed the Project and the Project Improvements as defined in the Phase I Agreement and has been reimbursed the full Reimbursement Amount, set forth in the Phase I Agreement, from Reinvestment Zone Number One revenues in accordance with the terms of the Phase I Agreement; and

WHEREAS, the Developer intends to construct an additional mixed-use phase totaling up to 500,000 square feet with an estimated construction cost of approximately \$3,005,830 within the existing Reinvestment Zone Number One (the "Phase II Project") and is seeking reimbursement of the Phase II Project Costs as defined herein; and

WHEREAS, the City and Developer intend to jointly prepare and approve an amendment to the Project Plan and Plan of Finance to include the Phase II Project Improvements and estimates of Phase II Project Costs, and reimburse the Developer, to the extent revenues from the Phase II Project are lawfully available and after all Obligations of the Authority have been satisfied, for the Phase II Project Costs in order to further economic development within the City and the Reinvestment Zone Number One; and

WHEREAS, the Developer, to the extent such funds are lawfully available and all Obligations of the Authority have been satisfied, will be reimbursed by the Authority through the Phase II Tax Increments contributed by the City and the County in accordance with this Agreement for the actual construction costs included in the Amended Project Plan and Plan of Finance in an aggregate amount not to exceed \$3,500,000 (the "Phase II Developer Reimbursement Amount"); and

WHEREAS, the City intends to create a subaccount of the Tax Increment Fund pursuant to the terms of the Management and Administrative Services Agreement between the City, the Zone Board and the Authority (the "Tri-Party Agreement"), of which lawfully available Phase II Tax Increment will be deposited after all Obligations of the Authority have been satisfied; and

WHEREAS, the Developer is entitled to reimbursement of the Phase II Project Costs only from the Phase II Tax Increment collected in the Phase II Tax Increment Fund to the extent such funds are lawfully available and all Obligations of the Authority; and

WHEREAS, the Tax Increment and the Phase II Tax Increment shall be disbursed in accordance with the Tri-Party Agreement which gives priority to owners and holders of any bonds or other obligations issued or entered into by the Authority, and the reimbursement to the Developer of the Phase II Tax Increment pursuant to this Agreement is subordinate to those obligations; and

WHEREAS, this Agreement is intended to supplement the Phase I Agreement and should be read in conjunction therewith. This Agreement is not intended to interfere or conflict with the Phase I Agreement.

ARTICLE ONE

PREAMBLE

SECTION 1.01 INCORPORATION OF PREAMBLE. The Parties hereby incorporate the recitals set forth in the preamble hereto as if set forth in full at this place and further finds and determines that the recitals are true and correct and are adopted as part of the judgment and findings of the Commissioners Court, the City Council and the Board of Trustees of the Corporation.

ARTICLE TWO

DEFINITIONS AND INTERPRETATIONS

SECTION 2.01 DEFINITIONS. When used in this Phase II Agreement, and in any amendment or supplement hereto, the terms listed below shall have the meanings specified below, unless it is otherwise expressly provided or unless the context otherwise requires:

"Administrative Costs" means the costs of organizing the Reinvestment Zone, the costs of operating the Reinvestment Zone and the imputed administrative costs associated with the

Reinvestment Zone incurred by the City in connection with the implementation of the project plan.

"Agreement" means this agreement between the City, County, Developer and Zone Board.

"Authority" means the New Braunfels Development Authority, a local government corporation created by the City.

"Captured Appraised Value" means the captured appraised value of the Reinvestment Zone, as defined by Section 311.012(b), Texas Tax Code, as may be amended from time to time.

"City" means the City of New Braunfels, Texas, a municipal corporation and home-rule city of the State of Texas principally situated in the County, including its successors and assigns.

"County" means Comal County, Texas, a political subdivision of the State of Texas.

"County Tax Rate Participation" means the amount of the County tax levy on the Captured Appraised Value which the County agrees to contribute to the Reinvestment Zone pursuant to Section 3.02 of this Agreement.

"Developer" means A-L 95 Creekside Town Center L.P., a Texas limited partnership.

"Obligations" means all contractual obligations of the Authority entered into prior to the date of this Agreement, including, but not limited to, those contained within the Tri-Party Agreement, and all bonds, notes, leases or other debt instruments issued by the Authority and the authorizing documents related thereto.

"Phase II Improvements" means those improvements of the Phase II Project identified in the Project and Financing Plan.

"Phase II Project Costs" means the project costs set forth for the Phase II Project identified in the Project and Financing Plan.

"Phase II Tax Increment" means the aggregate amount of property taxes levied each year by the City and County over the Phase II Tax Increment Base, all pursuant to the Project Plan.

"Phase II Tax Increment Base" means the total appraised value of all real property taxable by the City and/or the County and located within the boundaries of the Phase II Project as of January 1, 2019, the year in which the Phase II Project was designated.

"Phase II Tax Increment Fund" means the tax increment fund created by the City in the City Treasury for the Reinvestment Zone for the deposit of Tax Increments within the Phase II Project.

"Project Plan" means the Project Plan and Reinvestment Zone Financing Plan for the Reinvestment Zone initially approved by the City Council of the City on May 29, 2007, and as

amended by the City Council of the City on November 22, 2010 and subsequently on January 28, 2019 to reflect an increase of the geographic boundaries of the Zone and to include the Phase II Project Improvements and estimates of the Phase II Project Costs, attached and incorporated into this agreement for all purposes as Exhibit "B."

"Reinvestment Zone" means Reinvestment Zone Number One, City of New Braunfels, Texas created by the City on May 14, 2007, by Ordinance No. 2007-45 and later amended by Ordinance No. 2010-85 and Ordinance No. 2019-__ to reflect increases of the geographic boundaries of the Zone, attached and incorporated into this Agreement for all purposes as Exhibit "A."

"Tax Increment" means the aggregate amount of ad valorem taxes levied and collected each year by the City and/or the County, respectively, on the Captured Appraised Value of taxable real property in the Reinvestment Zone, all pursuant to the terms of the Project and Financing Plan.

"Tax Increment Base" means the total appraised value of all real property taxable by the City and/or the County and located in the Reinvestment Zone as of January 1, 2007, the year the Reinvestment Zone was created.

"Tax Increment Payment" means the amount of the Tax Increment that the City and/or County deposit annually into the Tax Increment Fund in accordance with the Phase I Agreement and the Project Plan.

ARTICLE THREE

PHASE II TAX INCREMENT PARTICIPATION

SECTION 3.01 PHASE II TAX INCREMENT PARTICIPATION BY THE CITY. For and in consideration of the agreements of the Parties set forth herein, the City agrees to deposit, to the extent such funds are lawfully available and all Obligations of the Authority have been satisfied, eighty-five percent (85%) of its Phase II Tax Increment produced each year in the Phase II Project into the Phase II Tax Increment Fund.

SECTION 3.02 PHASE II TAX INCREMENT PARTICIPATION BY THE COUNTY. For and in consideration of the agreements of the Parties set forth herein, the County agrees to contribute, to the extent such funds are lawfully available, eighty-five percent (85%) of its Phase II Tax Increment produced each year in the Phase II Project within the Reinvestment Zone into the Phase II Tax Increment Fund extending no longer than the 2032 tax year. The Parties agree that the County's Phase II Tax Increment shall (i) only be used by the Zone Board to reimburse the Developer for the public improvement costs actually incurred by the Developer limited to the Phase II Improvements defined in the Project Plan, and (ii) not be used to reimburse any costs of the City's fire station described in the Project Plan. The Parties further agree that the County's contribution described herein shall terminate at the first to occur: (1) when both the City and the County have contributed Phase II Tax Increments sufficient to enable the Developer to receive the maximum total reimbursement of three million five hundred thousand dollars (\$3,500,000) and two years of interest attributable to Developer's financing costs related to the

public improvement costs as defined in the Project Plan and to pay the required debt service on any bonds issued, the proceeds of which were used to reimburse the Developer; or (2) until the 2032 tax year. The County's Phase II Tax Increment participation shall be restricted to its tax increment collected on the Captured Appraised Value in the Phase II Project within the Reinvestment Zone. The Parties agree that all ad valorem taxes collected each year by the County that are attributable to real property in the Reinvestment Zone shall first constitute taxes on the Tax Increment Base, and after the total amount of taxes on the Tax Increment Base have been collected, shall then constitute the Tax Increment. The County shall not be obligated to contribute to the Tax Increment Fund non-tax increment County taxes or revenues or until the County's Tax Increment is actually collected.

SECTION 3.03 DATE OF PAYMENT. The obligation of the City and County to pay make deposits to the Phase II Tax Increment Fund, to the extent such funds are lawfully available and all Obligations of the Authority have been satisfied, shall accrue as Phase II Tax Increments are collected and payment shall be due on the first day of August of each calendar year.

SECTION 3.04 PARTICIPATION LIMITED TO PHASE II. The obligation of the City and the County to participate in the Phase II Tax Project within the Reinvestment Zone is limited to the area and improvements described as the Phase II Project in the Project Plan. The Phase II Tax Increment participation by the City and the County shall not extend beyond the Phase II Project or on any additional property added to the Reinvestment Zone unless the City and County approves the additional participation in writing.

SECTION 3.05 LIMITATION ON PROJECTS AND SPENDING. The Developer may not be reimbursed with funds lawfully available in the Phase II Tax Increment Fund for any improvements other than the approved Phase II Improvements set forth in the Project Plan.

SECTION 3.06 ZONE PROGRESS REPORTING. The Zone Board will submit reports annually and upon reasonable request to the Parties detailing percent completion of the development, Phase II Improvements underway or completed, tax increment revenue, and reimbursements or bond payments made.

ARTICLE FOUR

MISCELLANEOUS PROVISIONS

SECTION 4.01 COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of such counterparts shall for all purposes be deemed to be an original, and all such counterparts shall together constitute one and the same instrument.

SECTION 4.02 CAPTIONS. The section headings appearing in this Agreement are for convenience of reference only and are not intended, to any extent and for any purpose, to limit or define the text of any section or any subsection hereof.

SECTION 4.03 ENTIRE AGREEMENT. This Agreement embodies the entire agreement of the Parties and supplements the Phase I Agreement, and there are no other agreements, assurances, condition, covenants, either express or implied, or other terms with respect to the covenants, whether written or verbal, antecedent or contemporaneous, with the execution hereof.

SECTION 4.04 INCONSISTENT PROVISIONS. All ordinances and resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Agreement are hereby repealed to extent of such conflict, and the provisions of this Agreement shall be and remain controlling as to the matter provided herein.

SECTION 4.05 GOVERNING LAW. This Agreement shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 4.06 CONSTRUCTION. Unless the context requires otherwise, words of the masculine gender shall be construed to include correlative words of the feminine and neuter genders and vice versa, and words of the singular number shall be construed to include correlative words of the plural number and vice versa. This Agreement and all terms and provisions hereof shall be construed to effectuate the purposes set forth herein and to sustain the validity of the Agreement.

SECTION 4.07 SEVERABILITY. In the event any term, covenant or condition herein contained shall be held to be invalid by any court of competent jurisdiction, such invalidity shall not affect any other term, covenant or condition herein contained, provided that such invalidity does not materially prejudice the Parties in their respective rights and obligations contained in the valid terms, covenants or conditions hereof.

SECTION 4.08 AMENDMENT. Unless otherwise provided here, this Agreement may be amended only by written instrument duly executed on behalf of each Party.

SECTION 4.09 ASSIGNMENT. No Party shall assign this Agreement at law or otherwise without the prior written consent of the other Parties. No Party shall delegate any portion of its performance under this Agreement without the written consent of the other Parties.

SECTION 4.10 COMPLIANCE WITH TEXAS OPEN MEETING ACT. If it is officially found, determined, and declared that the meeting of each of the City, the County and the Corporation at which this Agreement is adopted was open to the public and public notice of the time, place and subject matter of the public business was considered at such meeting, including this Agreement, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 4.11 TEXAS ETHICS COMMISSION FORM 1295. Unless otherwise exempt, the Developer has delivered to the City, County and Zone Board a Certificate of Interested Parties Form 1295 ("Form 1295") and certification of filing generated by the Texas Ethics Commission's (the "TEC") electronic portal, signed by an authorized agent of each respective entity prior to the execution of this Agreement by the Parties. The Parties understand and agree that, with the exception of information identifying the City, County and Zone Board, and the

contract identification number in each Form 1295, with respect to an exemption from the filing requirement of a Form 1295, the Developer is solely responsible for its claim of exemption, and neither the City, County nor Zone Board, nor its consultants, are responsible for a determination made by the Developer that the Developer is exempt from filing a Form 1295, or for the information contained in any Form 1295 and neither the City, County nor Zone Board, nor its consultants, have verified such information.

SECTION 4.12 VERIFICATION PURSUANT TO CHAPTER 2270 OF THE TEXAS GOVERNMENT CODE. The Developer represents and warrants, for purposes of Chapter 2270 of the Texas Government Code, that at the time of execution and delivery of this Agreement, neither the Developer, nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, boycotts Israel or will boycott Israel. The foregoing verification is made solely to comply with Section 2270.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, "boycotts Israel" and "boycott Israel" means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands "affiliate" to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

SECTION 4.13 VERIFICATION PURSUANT TO CHAPTER 2252 OF THE TEXAS GOVERNMENT CODE. The Developer represents that, neither the Developer, nor any parent company, wholly- or majority-owned subsidiaries or affiliates of the same, if any, are companies identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website: <https://comptroller.texas.gov/purchasing/docs/sudanlist.pdf>; <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/ftolist.pdf>. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer and each parent company, wholly- or majority-owned subsidiaries, and other affiliates of the same, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization. The Developer understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

[Signature of Parties on next page]

COMAL COUNTY

By: _____

Name: _____

Title: County Judge

APPROVED AS TO FORM:

District Attorney

DEVELOPER:

A-L 95 Creekside Town Center, L.P.,
A Texas limited partnership

By: A-L 95, L.C., a Texas limited liability Company,
its general partners

By: _____

REINVESTMENT ZONE NUMBER ONE RESOLUTION 2019-R__

ADOPTING AMENDED PROJECT PLAN AND REINVESTMENT ZONE FINANCING PLAN FOR REINVESETMENT ZONE NUMBER ONE, CITY OF NEW BRAUNFELS, TEXAS; RECOMMENDING THAT THE CITY OF NEW BRAUNFELS ENLARGE THE BOUNDARIES OF THE ZONE; AUTHORIZING THE EXECUTION OF A PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT; RECOMMENDING APPROVAL OF THE AMENDED PROJECT PLAN AND FINANCING PLAN AND PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT BY THE CITY OF NEW BRAUNFELS; AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Council (the "Council") of the City of New Braunfels, Texas (the "City") adopted Ordinance No. 2007-45 on May 29, 2007, which designated Reinvestment Zone Number One, City of New Braunfels, Texas (the "Zone") pursuant to Section 311.005(a) of the Tax Increment Finance Act, Texas Tax Code, Chapter 311, as amended (the "Act"); and

WHEREAS, the Board of Directors of the Zone (the "Zone Board") prepared and adopted a Project Plan and Reinvestment Zone Financing Plan (the "Project and Financing Plan") for the Zone in Reinvestment Zone Number One Resolution 2007-R01 pursuant to Section 311.011 of the Act; and

WHEREAS, the Council adopted Ordinance No. 2007-59 on July 9, 2007, which gave effect to the Project and Financing Plan pursuant to Section 311.011(d) of the Act; and

WHEREAS, the Council adopted Ordinance No. 2010-85 on November 22, 2010, which enlarged the boundaries of the Zone by approximately 18 acres; and

WHEREAS, the Zone Board desires to further enlarge the boundaries of the Zone by adding a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to 311.007 of the Act; and

WHEREAS, A-L 95 Creekside Town Center, L.P., a Texas limited partnership (the "Developer") has completed the Project and the Project Improvements as such terms are defined in the Economic Development Agreement between the City and the Developer dated March 12, 2007 (the "Economic Development Agreement") and described herein as the Phase I Project; and

WHEREAS, the Developer and the City desire to amend the Economic Development Agreement to include an additional mixed-use phase totaling up to 500,000 square feet, with estimated construction costs and aggregate reimbursement to the Developer from lawfully available Zone revenues in an aggregate amount not to exceed \$3,500,000, plus reimbursement of the Developer's interest on any expenditure authorized in the Amended Project and Financing Plan for a period of up to two years after the expenditure of funds by the Developer, located within the Zone boundaries ("Phase II Project") and establish a Phase II Tax Increment Fund related thereto which will only be funded from lawfully available funds after the satisfaction of all currently

existing obligations of the Zone, including any outstanding bonds of the Zone, as set forth in the Amendment to Economic Development Agreement;

WHEREAS, the Zone Board entered into a Tax Increment Participation Interlocal Agreement for the Zone with the City, the Developer, and Comal County, Texas (the "County"), on July 26, 2007 pursuant to Section 311.013 of the Act (as amended, the "Tax Increment Participation Interlocal Agreement") to permit the taxing units within the Zone to pay into the Tax Increment Fund tax increment produced from property located within the entirety of the Zone; and

WHEREAS, the Zone Board desires to execute a Phase II Tax Increment Participation Interlocal Agreement with the City, County and Developer (the "Phase II Agreement" attached hereto as Exhibit B) to permit the taxing units within the Zone to pay into the Phase II Tax Increment Fund, to the extent funds are lawfully available and all obligations have been satisfied, accrued or generated from property located within the boundaries of the Phase II Project as depicted in Exhibit B; and

WHEREAS, pursuant to Section 311.011(e) of the Act, the Zone Board at any time may adopt an amendment to the Project and Financing Plan consistent with the requirements and limitations of the Act, which shall take effect upon approval by the Council in accordance with Section 311.011(e) of the Act; and

WHEREAS, the Zone Board desires to amend the Project and Financing Plan to include: (i) a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to Section 311.007 of the Act; and (ii) the Phase II Project Improvements and estimates of Phase II Project Costs as set forth and further described in the amended Project and Financing Plan (the "Amended Project and Financing Plan") attached as Exhibit C. **NOW, THEREFORE**,

BE IT RESOLVED BY THE ZONE BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE, CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. ADOPTING THE AMENDED PROJECT AND FINANCING PLAN. The Zone Board hereby adopts the Amended Project and Financing Plan for the Zone with modifications to conform to the final business terms as agreed to by the City Manager and directs its submission to the Council for approval.

SECTION 2. RECOMMENDING THE CITY EXPAND THE BOUNDARIES OF THE ZONE. The Zone Board recommends that the City enlarge the boundaries of the Zone by adding a certain geographic area for the City's fire station and fire training facility so that the boundaries of the Zone encompass the area depicted on the attached Exhibit A pursuant to Section 311.007 of the Act.

SECTION 3. AUTHORIZING THE EXECUTION OF THE PHASE II AGREEMENT. The Zone Board hereby authorizes the execution of the Phase II Agreement with modifications to conform to the final business terms as agreed to by the City Manager.

SECTION 4. RECOMMENDING THE CITY APPROVE THE PHASE II AGREEMENT AND AMENDED PROJECT AND FINANCING PLAN. The Zone Board recommends that the City approve the Phase II Agreement and the Amended Project and Financing Plan by ordinance in accordance with Section 311.011(e) of the Act, each as may be modified to conform to the final business terms as agreed to by the City Manager.

SECTION 5. FURTHER PROCEEDINGS. The Zone Board is authorized to take any and all action necessary to carry out and consummate the transactions described in or contemplated by the documents approved hereby or otherwise to give effect to the actions authorized hereby and the intent hereof including revising any necessary documents to conform to the terms hereof or State law.

SECTION 6. INCORPORATION OF RECITALS. The Zone Board hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the Zone Board hereby incorporates such recitals as part of this Resolution.

SECTION 7. SEVERABILITY. If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, as if such invalid provision had never appeared herein, and the Zone Board hereby declares that this Resolution would have been enacted without such invalid provision.

[The remainder of this page intentionally left blank.]

PASSED AND APPROVED THIS 10TH DAY OF JANUARY, 2019

By: _____
Chairperson, Board of Directors

EXHIBIT A

[Map and Boundaries of Added Acreage to Reinvestment Zone No. 1]



EXHIBIT B

[Phase II Tax Increment Participation Interlocal Agreement for Reinvestment Zone Number One]

EXHIBIT C

[Amended Project and Financing Plan]

CERTIFICATE FOR ORDINANCE

I, the undersigned City Secretary of the City of New Braunfels, Texas do hereby certify as follows:

1. The City Council of said City convened at a REGULAR MEETING ON THE 28TH DAY OF JANUARY, 2019, at the regular meeting place thereof, and the roll was called of the duly constituted officers and members of said City Council, to-wit:

Barron Casteel, Mayor
Wayne Peters, Mayor Pro-Tem
Shane Hines, Council Member, District 1
Justin Meadows, Council Member, District 2
Harry Bowers, Council Member, District 3
Matthew E. Hoyt, Council Member, District 4
Leah A. Garcia, Council Member, District 6

and all of said persons were present, except the following absentees: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS ENLARGING THE BOUNDARIES OF REINVESTMENT ZONE NUMBER ONE, CITY OF NEW BRAUNFELS, TEXAS; AMENDING THE PROJECT PLAN AND FINANCE PLAN FOR THE ZONE TO REFLECT THE INCREASED BOUNDARIES AND INCLUDE THE PHASE II PROJECT; AMENDING AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NEW BRAUNFELS, TEXAS AND A-L 95 CREEKSIDE TOWN CENTER, L.P. TO INCLUDE THE PHASE II PROJECT IMPROVEMENTS AND ESTIMATED COSTS RELATED THERETO; AUTHORIZING THE EXECUTION OF A PHASE II TAX INCREMENT PARTICIPATION INTERLOCAL AGREEMENT; AND OTHER MATTERS IN CONNECTION THEREWITH.

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that the Ordinance be adopted; and, after due discussion, the motion, carrying with it the adoption of the Ordinance, prevailed and carried by the following vote:

AYES: —

NOES: —

2. A true, full and correct copy of the aforesaid Ordinance passed at the meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that the Ordinance has been duly recorded in the official minutes of said City Council; that the above and foregoing paragraph is a true, full and correct excerpt from said minutes of said meeting pertaining to the passage of the Ordinance; that the persons named in the above and foregoing paragraph, at the time of said meeting and the passage of said Ordinance, were the duly chosen, qualified and

acting officers and members of said City Council as indicated therein; that each of said officers and members was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting and that the Ordinance 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 meeting for such purpose; 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, as amended.

SIGNED AND SEALED this January 28, 2019.

City Secretary, City of New Braunfels, Texas

[CITY SEAL]



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. C)

Presenter/Contact

Stacey Dicke, Parks and Recreation Director
(830) 221-4350 - sdicke@nbtexas.org

SUBJECT:

Discuss and consider authorizing the closure of sections of W. San Antonio Street on Sunday, March 3, 2019, for ¡CycloVIVA!

BACKGROUND / RATIONALE:

On Sunday, March 3, 2019, the City of New Braunfels and local bike advocates are proposing to host the first-ever open streets event - ¡CycloVIVA! from 1:00 p.m. to 4:00 p.m. The one-mile route will close vehicular traffic along West San Antonio Avenue from Walnut to Concepcion Avenues at Ernest Eikel Field and JAWS Skate Park for the community to walk, bike, skate, run, dance or just play in a safe, relaxed atmosphere.

The free event will give New Braunfels residents a chance to experience W San Antonio Street from a different perspective on foot or by bike and experience sights they may drive by everyday but may not notice - businesses, restaurants, neighborhoods, historic buildings, parks, churches, and public art. The event will include many activities for all ages such as a bike rodeo for kids, Das Rec Fitness Zumba, Comal Fit Chef Food Demonstrations, Fix-a-Flat Demo, performances by NB Dance Studio students, and so much more! These activities will be located a designated “activity hubs” - Health & Family, Mobility, and Culture & Heritage. The goal is to promote health and wellness while bringing families and friends together in fun and pet-friendly event.

We have been fortunate to have engaged great partners and sponsors including:

| | |
|---|-----------------------------|
| AAMPO | Connections |
| Comal County Health Department | EzyKleen Laundry & Car Wash |
| HEB | Hispanic Business Alliance |
| HMT Engineering & Surveying | LJA Engineering |
| New Braunfels Parks Foundation | McKenna Foundation |
| Texas A&M Agri-Life | |
| New Braunfels and Comal ISDs Chef Mario & ComalFIT | |
| Coursen-Koehler Engineering & Associate, a division of Westwood | |

Open Streets, or ciclovias, started in South America and has since been held worldwide for more than 30 years in more than 400 cities. The most successful events in Texas are hosted by Brownsville, San Antonio and Fort Worth.

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

| | | | |
|---|-----|---|--|
| X | Yes | City of New Braunfels Strategic Priorities | Quality of Life - Expand recreational, arts and cultural enrichment opportunities. |
|---|-----|---|--|

FISCAL IMPACT:

Staff has currently raised \$3,250 to assist in event expenses including signage, traffic, and law enforcement expenses. Staff is pursuing additional sponsors and requesting vendors for the activity hubs to help cover the additional costs. Additionally, the New Braunfels Parks Foundation is raising funds and helping to finance the event.

COMMITTEE RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

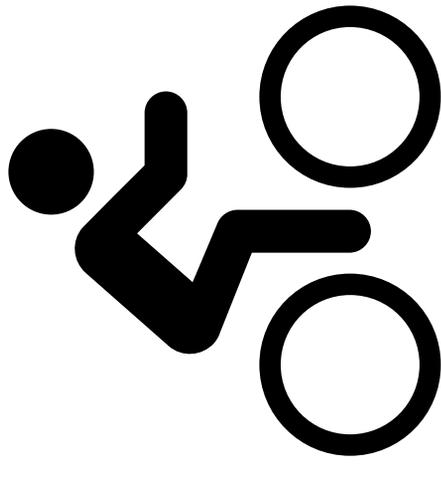
Staff recommends approval of the street closure request.

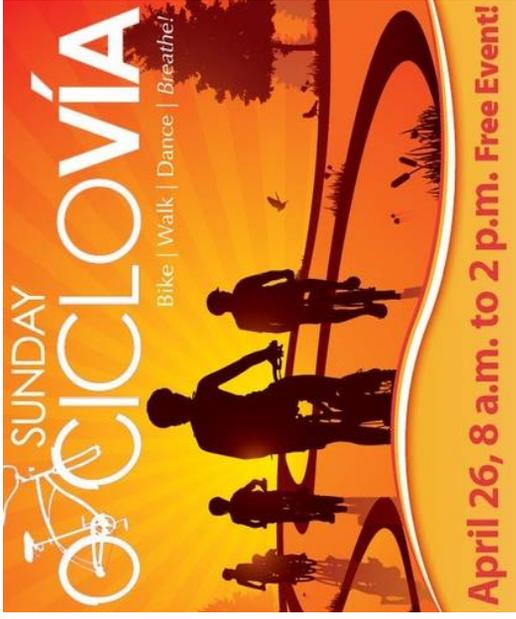


CycloVIVA!
 Sunday, March 3rd 2019
 1:00-4:00 pm

What Is CycloViva, Or Open Streets Event?

- ✓ Modeled after the “ciclovia” program in Bogotá, Colombia, where for 45 years, citizens have enjoyed weekly car-free streets. Now, similar events are found all over the world.
- ✓ FREE half-day event
- ✓ Temporarily transforms street into a car-free public space to enable residents to exercise and cycle, skate, walk, and play safely.
- ✓ Allows residents to explore the city from a different perspective by experiencing sights they may drive by everyday but do not notice – businesses, restaurants, neighborhoods, historic buildings, parks, churches, and public art. Will highlight New Braunfels’ west side community and businesses.
- ✓ Creates community pride in that neighborhood and from all parts of the community.



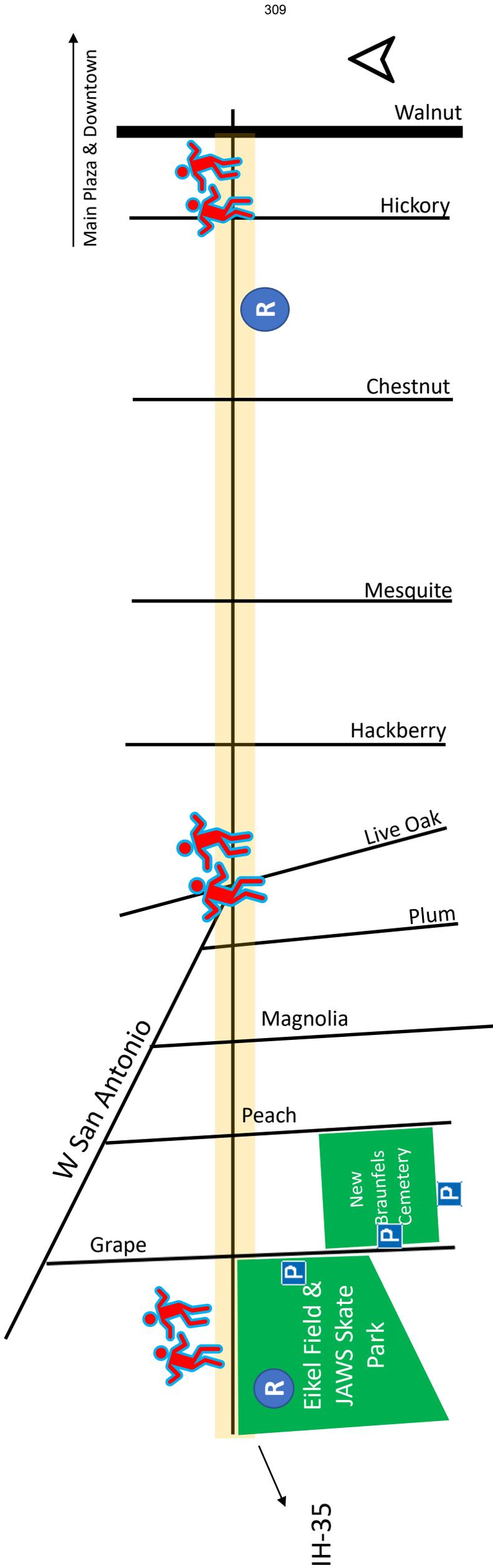




Sunday, March 3rd

1pm to 4 pm

Event Route & Street Closure



Route Length: 1.70 miles RT

-  Road Closure
-  Restrooms/First Aid
-  Activity Hub
-  Parking and Access

ACTIVITY HUBS

Tentative Schedule

1:00 p.m. Kick-Off & Bike Blessing

1:15-1:45 p.m. HIGH Fitness

Bike Rodeo

2:00 p.m. Zumba

Chef Mario - Smoothies

Fix-a-flat

2:30 p.m. Bike Rodeo

3:00 p.m. Chef Mario - Smoothies

Dance /Music Performances

3:30 p.m. Give-a-ways



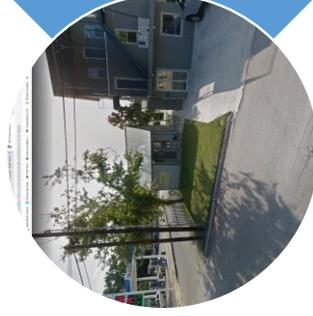
HEALTH & FAMILY

- To promote healthy lifestyles by getting people out and active.



MOBILITY

- To promote more use of walking and biking in New Braunfels.



CULTURE & HERITAGE

- To promote economic development by getting people out in an established neighborhood and business corridor.

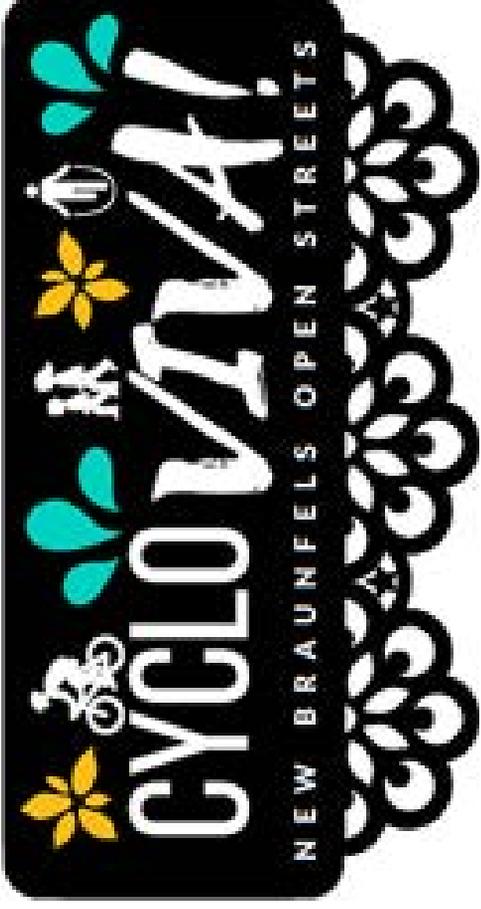
Event Partners





Event Sponsors





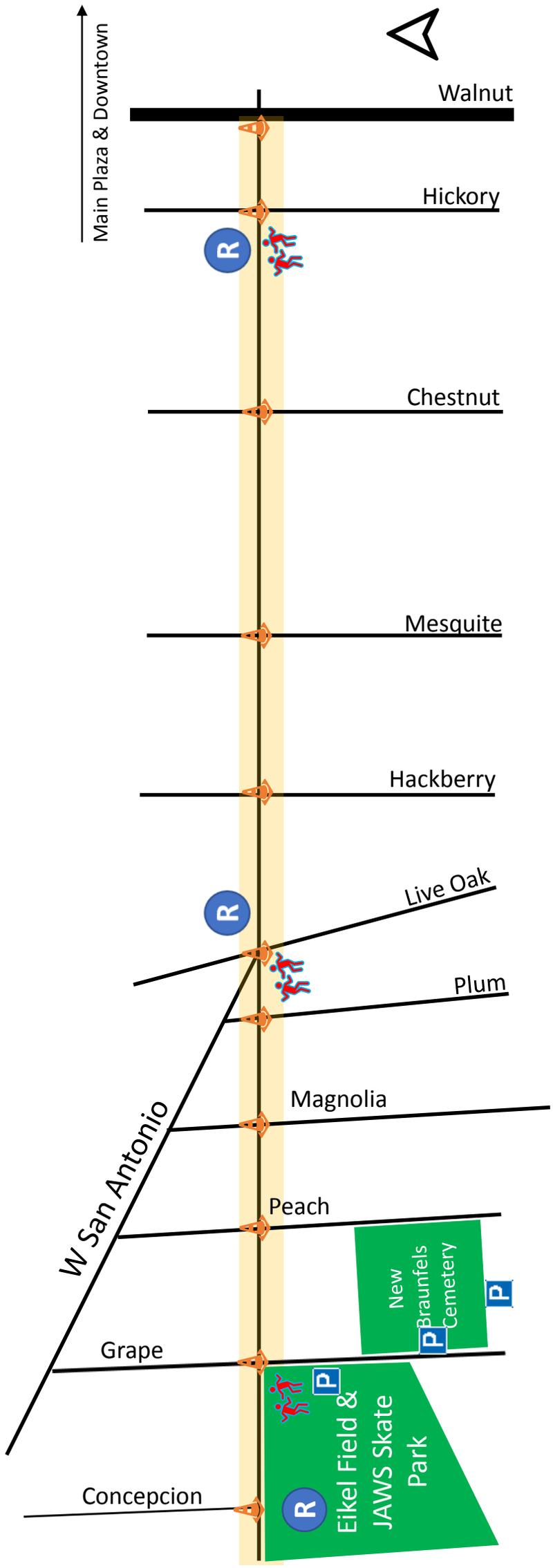
Thank you!

Ylda Capriccioso, Parks & Recreation Department,
ycapriccioso@nbtexas.org or 830-221-4358



PARKS AND RECREATION DEPARTMENT

Route Length: 1.73 miles RT



-  Road Closure
-  Restrooms/First Aid
-  Parking and Access
-  Activity Hub
-  Road Closure



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. D)

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 "C-3" Commercial District addressed at 1464 Hillview Avenue.

BACKGROUND / RATIONALE:

Case No.: PZ-18-042

Council District: 1

Owner/Applicant: Zu Hause, LLC (Tracy Fore)
686 S. Seguin Avenue, #310730
New Braunfels, TX 78131
(210) 273-6907

Staff Contact: Matt Greene, Planner
(830) 221-4053
mgreene@nbtexas.org

City Council held a public hearing on January 14, 2019, and approved the first reading of this requested rezoning, with recommended conditions and the requirement that the existing driveway and new parking area be paved.

The subject property is located on Hillview Avenue, between South Mesquite and Live Oak Avenues, and between IH-35 South and South Business 35. The property is approximately 8,118 square feet in area and is occupied by a 1,206 square foot single family residential structure built in 1950.

The "C-3" zoning allows rental or occupancy for less than one month. However, the structure is a single-family dwelling which requires approval of a Special Use Permit (SUP) before it can be used as a short term rental. If the SUP is approved, an administrative Short Term Rental Permit is also required prior to the first rental, along with annual fire inspections as well as remittance of hotel occupancy tax.

The residence currently contains three bedrooms, making it eligible for a total of 10 adult occupants. The applicant's site plan indicates two existing paved parking spaces and two additional proposed paved parking spaces, for a total of four spaces to meet the parking requirements as noted below.

Standards for short term rentals are attached, 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 (2) adults per sleeping area plus an additional four (4) adults per residence **(three (3) sleeping areas plus four (4) additional adults allows for a maximum total of 10 adults)**;
- display of a short term rental decal;
- a minimum of one (1) off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (1) **(minimum of three (3) spaces and a maximum of four (4) 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:

Lot Size: 8,118 square feet

House size: 1,206 square feet

Surrounding Zoning and Land Use:

North - C-3 / Single family residence

South - Across Hillview Ave., C-3 / Undeveloped Lot

East - C-3 / Single family residence

West - C-3 / Single family residence

Request Due to Notice of Violation: No

Floodplain:

No portion of the property is located within the 100-year floodplain.

Improvement(s):

Single family residence

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 zoned C-3 in an area of mixed commercial and residential uses. Although not in the immediate area of major visitor attractions, the property is centrally located with easy vehicular access to arterial road ways.);*
- 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 *(There should be no negative effects on other areas designated for similar development. Staff's recommendation includes maintaining the residential appearance of the structure.);*

- 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 as required in Section 5.17 of 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 subject property lies in the New Braunfels Sub Area, is situated between two Transitional Mixed-Use Corridors, and is in close proximity to an existing Market Center.*)

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

| | |
|--|--|
| <p>City Plan/Council Priority: Envision New Braunfels</p> | <p>Action 1.14 <i>Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.</i> A short term rental on the subject property will allow a unique lodging option in a central location with easy access to main thoroughfares. Action 3.3 <i>Balance commercial centers with stable neighborhoods.</i> The subject property is in an area of mixed commercial and residential uses. Authorized short term rentals, with adherence to the adopted rules/standards, can provide a balance of uses in transition neighborhoods such as this. Potential impacts are managed through conditions on the SUP and the associated development standards.</p> |
|--|--|

FISCAL IMPACT:

If approved, the property will be subject to local and State hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion of taxes to the City.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on December 4, 2018 and unanimously recommended approval with Staff's recommended conditions (7-0-0, with Chair Edwards and Commissioner Tubb absent).

STAFF RECOMMENDATION:

Staff recommends approval. The proposed use of the property will complement the mixed uses in the area while maintaining a residential appearance and would be in accordance with the Comprehensive Plan. Staff's recommendation includes the following conditions:

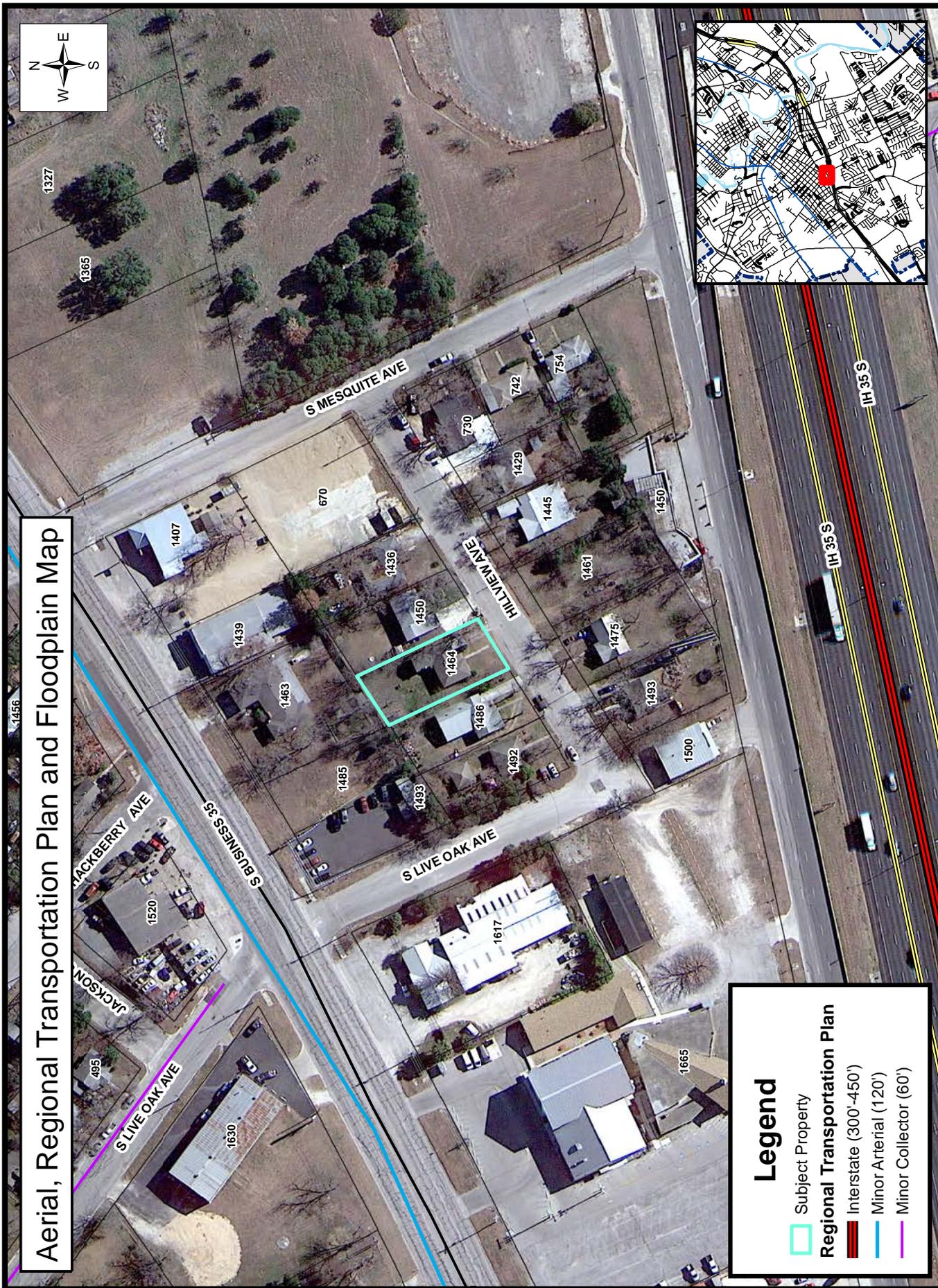
- The applicant will complete construction of the proposed paved driveway addition on Hillview Avenue prior to receiving the administrative short term rental permit.
- The residential character of the property must be maintained.
- The property will remain in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Notification:

Public hearing notices were sent to 16 owners of property within 200 feet of the request. The Planning Division has received 3 responses in favor from numbers 1, 12 and 15 and none opposed.

ATTACHMENTS:

1. Aerial Maps
2. Application
3. Existing and Proposed Site Plans
4. Floor Plan
5. Maps (Zoning, Existing and Future Land Use, Existing Centers and Short-term Rental Vicinity)
6. Notification List, Map and Responses
7. Photograph of Subject Property
8. Ordinances: Sec. 3.3-9, Sec. 3.6 and Sec. 5.17
9. Excerpt from the December 4, 2018 Planning Commission Regular Meeting
10. Ordinance



Aerial, Regional Transportation Plan and Floodplain Map

Legend

- Subject Property
- Regional Transportation Plan
 - Interstate (300'-450')
 - Minor Arterial (120')
 - Minor Collector (60')

Map Created 11/15/18

PZ-18-042
 1464 Hillview Avenue
 SUP for STR in C-3





Aerial Close-Up

Legend

Subject Property

Map Created 11/15/18

PZ-18-042
1464 Hillview Avenue
SUP for STR in C-3





Planning & Community Development Department
Planning Division

550 Landa St. New Braunfels, Tx 78130
(830) 221-4050 www.nbtexas.org

| | |
|--------------------------------|----------------------------|
| CC/Cash/Check No.: <u>1149</u> | Case No.: <u>PZ-18-042</u> |
| Amount Recd. \$ <u>1564.00</u> | |
| Receipt No.: <u>218795</u> | |

RECEIVED

OCT 24 2018

BY: MO
Submittal date - office use only

Special Use Permit Application to Allow Short Term Rental

Any application that is missing information will be considered incomplete and will not be processed.

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name: Zu Hause LLC TRACY FORE

Mailing Address: 686 S Seguin Ave #310730 NB TX 78131

Telephone: 210-273-6907 Fax: _____ Mobile: 210-273-6907

Email: TRACYLFORE@GMAIL.COM

2. Property Address/Location: 1464 Hillview Ave NB TX. 78130

3. Legal Description:
 Name of Subdivision: William Hoerke Addition
 Lot(s): 9 & 10 Block(s): 1 Acreage: 0.187

4. Existing Use of Property: Residential Rental (Vacant)

5. Current Zoning: C-3

*Please note Short Term Rentals are **prohibited** in the following residential districts, & a Special Use Permit could **not** be requested:

- R-1 • ZH • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B
- R-2 • ZH-A • B-1 • R-1A-12 • R-1A-6.6 • B-1A • TH-A

6. Proposed Special Use Permit*: Type 1 OR Type 2 ✓
 *see page 4 for information regarding Type 1 and Type 2 Special Use Permits

7. Explain how the proposed Short Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary): See Attached

SUBMITTAL CHECKLIST:

| | | | | | | | | | | | | | | | | |
|--|---|--|--|--|---|---|--|--|--|---|---|---|--|---|---|---|
| <p>STAFF:</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>APPLICANT:</p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/></p> | <p>A survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries (if property is not platted).</p> <p>Letter of Authorization for appointed agent (if applicable).</p> <p>Map of property in relation to City limits/major roadways or surrounding area.</p> <p>Copy of deed showing current ownership.</p> <p>Floor plan with the following information:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Layout of the building</td> <td><input checked="" type="checkbox"/> Sleeping areas</td> </tr> <tr> <td><input checked="" type="checkbox"/> Dimensions of each room</td> <td><input checked="" type="checkbox"/> Doors and windows</td> </tr> <tr> <td colspan="2"><input checked="" type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.)</td> </tr> </table> <p>Development/site plan with the following information: (*Please note: Additional information may be requested.)</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Drawn to scale</td> <td><input checked="" type="checkbox"/> Location of all buildings</td> </tr> <tr> <td><input checked="" type="checkbox"/> North arrow</td> <td><input checked="" type="checkbox"/> Number of parking spaces (parking calculation table required)</td> </tr> <tr> <td><input checked="" type="checkbox"/> Property lines</td> <td><input checked="" type="checkbox"/> Dimensions of parking space and maneuvering space</td> </tr> <tr> <td><input checked="" type="checkbox"/> Adjacent street names</td> <td><input checked="" type="checkbox"/> Driveways (means of ingress/egress)</td> </tr> </table> <p>Application Fee: \$ _____ $\\$1,500 + (.187 \text{ acres} \times \\$100) = \\$1519$ (max. \$4,000)</p> <p>Technology Fee: \$ <u>45.00</u> $3\% \text{ of application fee} \rightarrow \\$ \text{_____} (\text{application fee}) \times .03 = \\$ \text{_____}$</p> <p>Public Hearing Newspaper Notice: \$236 (\$115 each for Planning Commission and City Council + 3% technology fee)</p> <p>Public Hearing Mail Notifications and Signage. *Please note: The total fee will be calculated by Staff after application submittal based on the quantity of mailed notices and signs and must be paid when sign(s) are picked up by the applicant when sign(s) are picked up by the applicant.</p> | <input checked="" type="checkbox"/> Layout of the building | <input checked="" type="checkbox"/> Sleeping areas | <input checked="" type="checkbox"/> Dimensions of each room | <input checked="" type="checkbox"/> Doors and windows | <input checked="" type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.) | | <input checked="" type="checkbox"/> Drawn to scale | <input checked="" type="checkbox"/> Location of all buildings | <input checked="" type="checkbox"/> North arrow | <input checked="" type="checkbox"/> Number of parking spaces (parking calculation table required) | <input checked="" type="checkbox"/> Property lines | <input checked="" type="checkbox"/> Dimensions of parking space and maneuvering space | <input checked="" type="checkbox"/> Adjacent street names | <input checked="" type="checkbox"/> Driveways (means of ingress/egress) |
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| <input checked="" type="checkbox"/> Dimensions of each room | <input checked="" type="checkbox"/> Doors and windows | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Room Labels (kitchen, bathroom, dining room, garage, etc.) | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> Drawn to scale | <input checked="" type="checkbox"/> Location of all buildings | | | | | | | | | | | | | | | |
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| <input checked="" type="checkbox"/> Adjacent street names | <input checked="" type="checkbox"/> Driveways (means of ingress/egress) | | | | | | | | | | | | | | | |

Please note: The signature indicates that the owner or an authorized agent has reviewed the requirements of this application and attached checklist, and all items on this checklist have been addressed and complied with. The owner/authorized agent understands that an incomplete application will **not** be accepted, and this application will **not** be accepted after the 4 p.m. deadline on an application deadline date, as outlined on the calendar attached to this application. The signature authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted.

The undersigned hereby requests rezoning of the above described property as indicated.

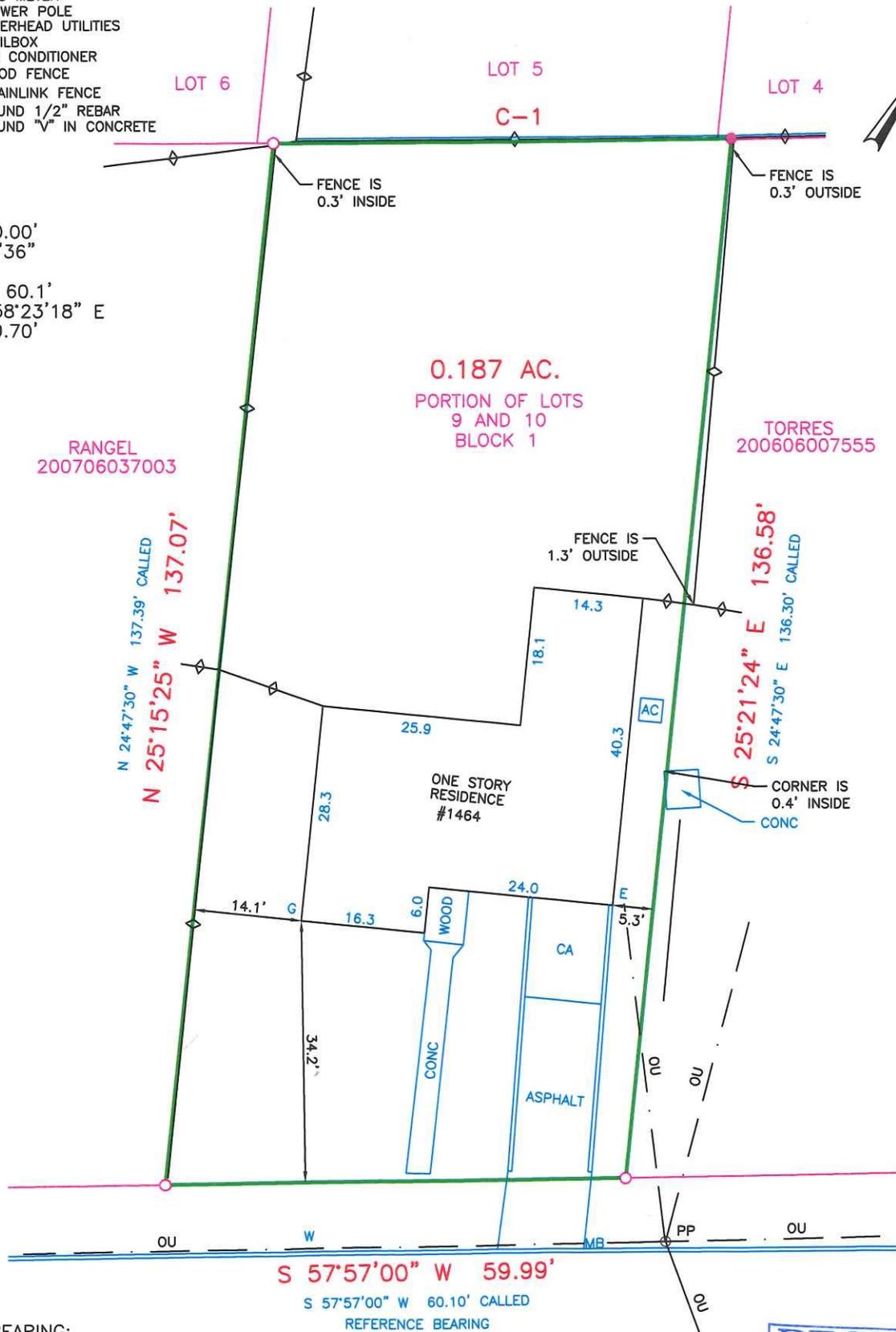
TRACY FORE 210-273-6907 TRACYLFORE@GMAIL.COM
 Owner's Name (Printed) Phone Number Email
25 LA MESA DR N B TX 78130
 Owner's Mailing Address
Tracy Fore 10-24-18
 Signature of Owner Date

LEGEND:

EXISTING SITE PLAN

- CA COVERED ASPHALT
- W WATER METER BOX
- E ELECTRIC METER
- G GAS METER
- PP POWER POLE
- OU OVERHEAD UTILITIES
- MB MAILBOX
- AC AIR CONDITIONER
- WOOD FENCE
- CHAINLINK FENCE
- FOUND 1/2" REBAR
- FOUND "V" IN CONCRETE

CURVE 1
 RADIUS 5930.00'
 DELTA 00°34'36"
 ARC 59.70'
 ARC CALLED 60.1'
 CHD BRG N 58°23'18" E
 CHD DIST 59.70'



REFERENCE BEARING:
 OBTAINED FROM DOC. #201706005881.

ADDRESS: 1464 HILLVIEW AVE.

REFERENCES: VOL. 70, PGS. 358-359
 DOC. #201706005881

HILLVIEW AVE.

RECEIVED
 OCT 24 2018
 BY: _____

LEGEND:

- CA COVERED ASPHALT
- W WATER METER BOX
- E ELECTRIC METER
- G GAS METER
- PP POWER POLE
- OU OVERHEAD UTILITIES
- MB MAILBOX
- AC AIR CONDITIONER
- WOOD FENCE
- CHAINLINK FENCE
- FOUND 1/2" REBAR
- FOUND "V" IN CONCRETE

PROPOSED SITE PLAN

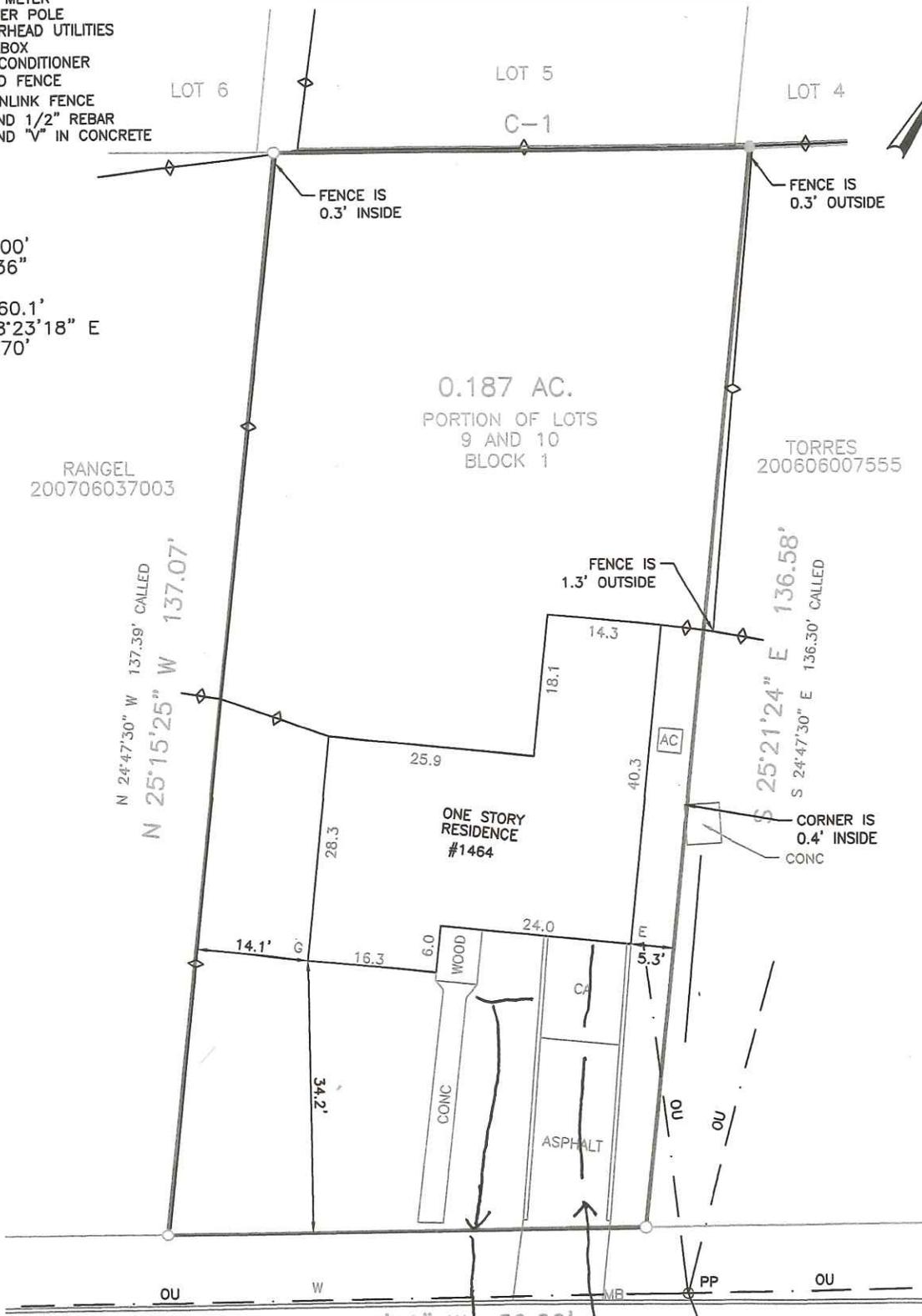


CURVE 1
 RADIUS 5930.00'
 DELTA 00°34'36"
 ARC 59.70'
 ARC CALLED 60.1'
 CHD BRG N 58°23'18" E
 CHD DIST 59.70'

RANGEL
 200706037003

0.187 AC.
 PORTION OF LOTS
 9 AND 10
 BLOCK 1

TORRES
 200606007555



RECEIVED
 OCT 24 2018
 BY:

REFERENCE BEARING:
 OBTAINED FROM DOC. #201706005881.

ADDRESS: 1464 HILLVIEW AVE.

REFERENCES: VOL. 70, PGS. 358-359
 DOC. #201706005881

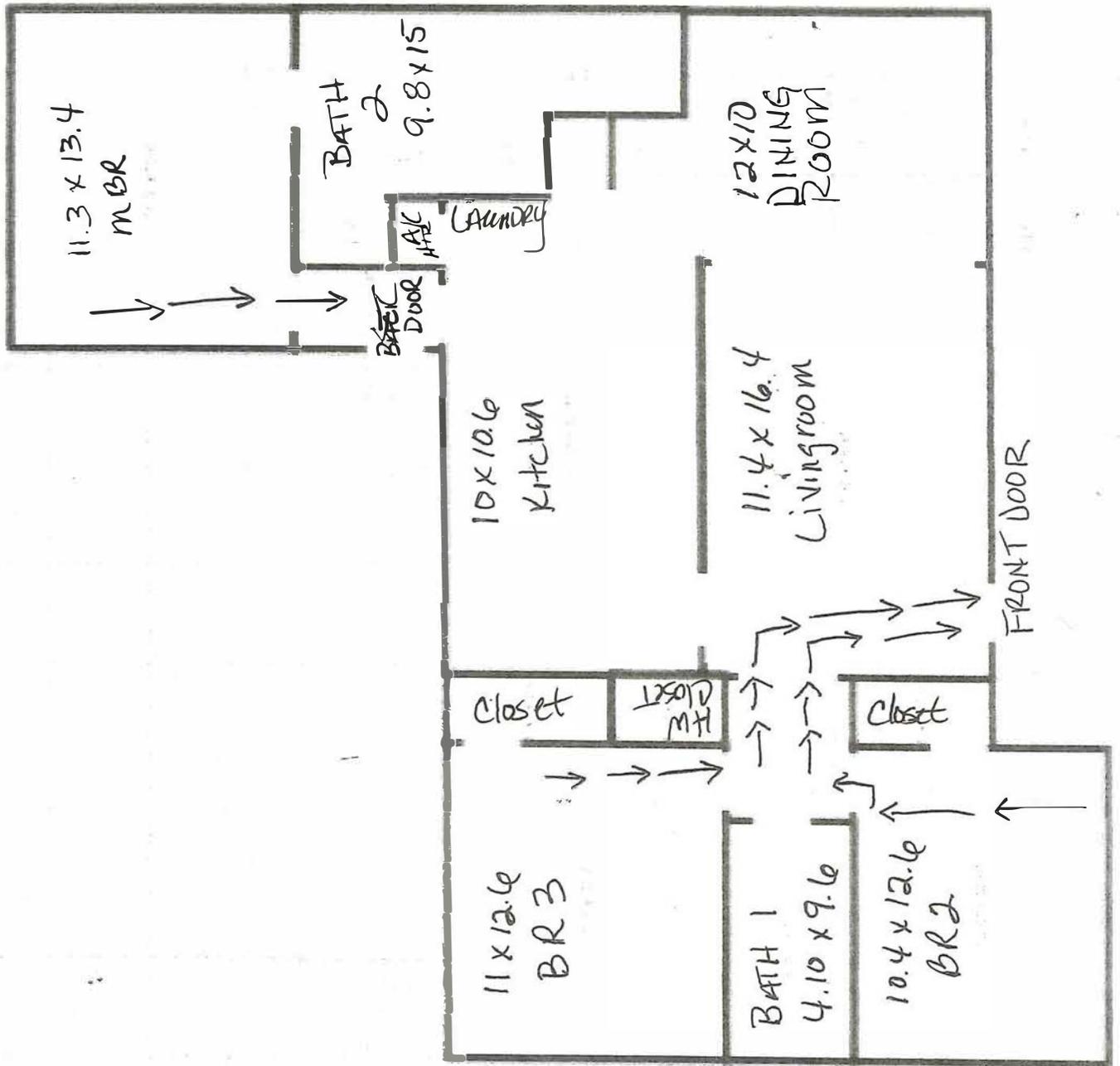
HILLVIEW AVE.

Current Parking

*Proposed ADDED
 PARKING*

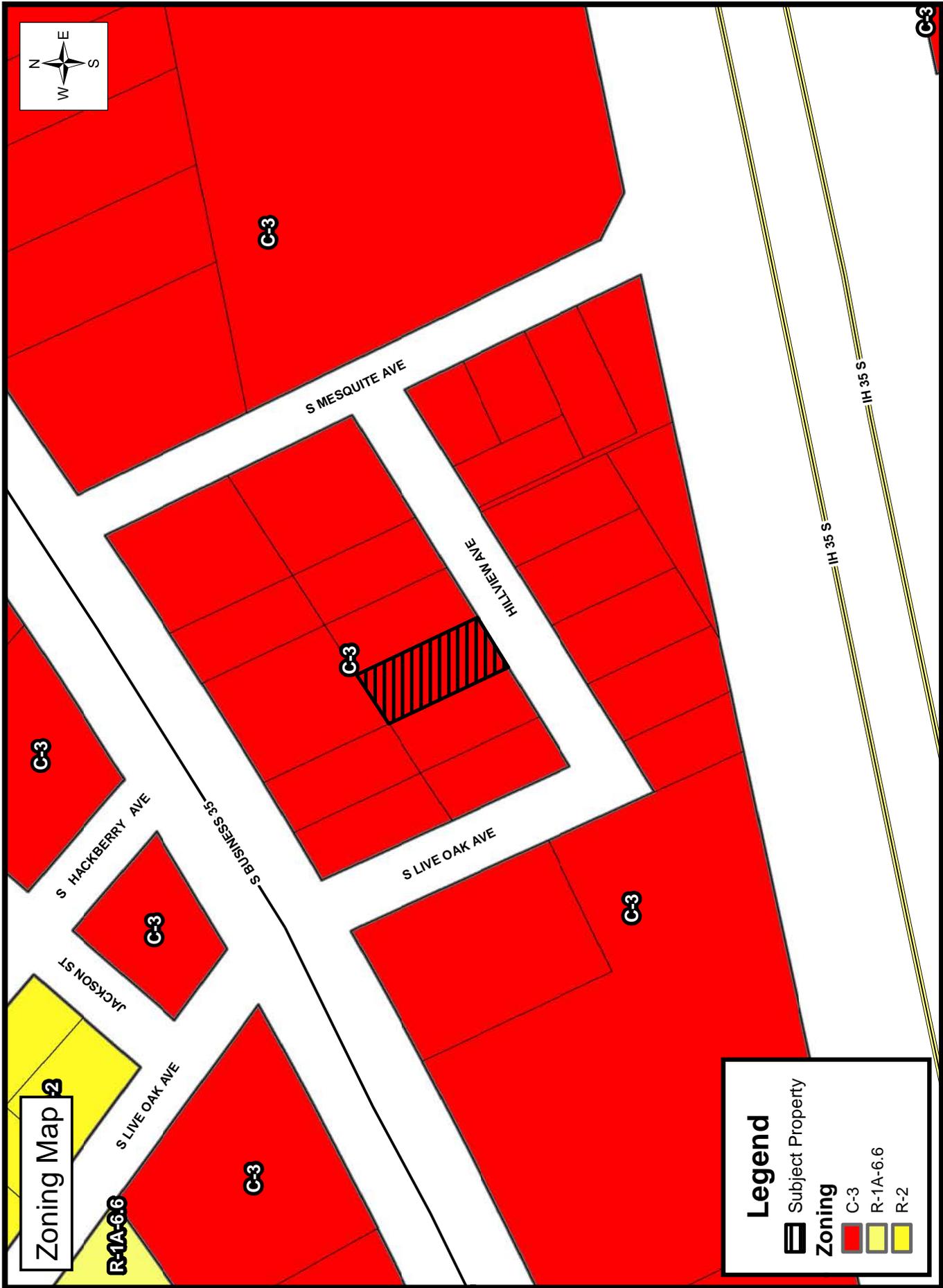
NOTE: THIS SURVEY WAS DONE WITHOUT THE

FLOOR PLAN



RECEIVED
OCT 24 2018
BY:

1444 Hillview Ave NB 17, 19150



Legend

- Subject Property
- Zoning**
 - C-3
 - R-1A-6.6
 - R-2

PZ-18-042
1464 Hillview Avenue
SUP for STR in C-3

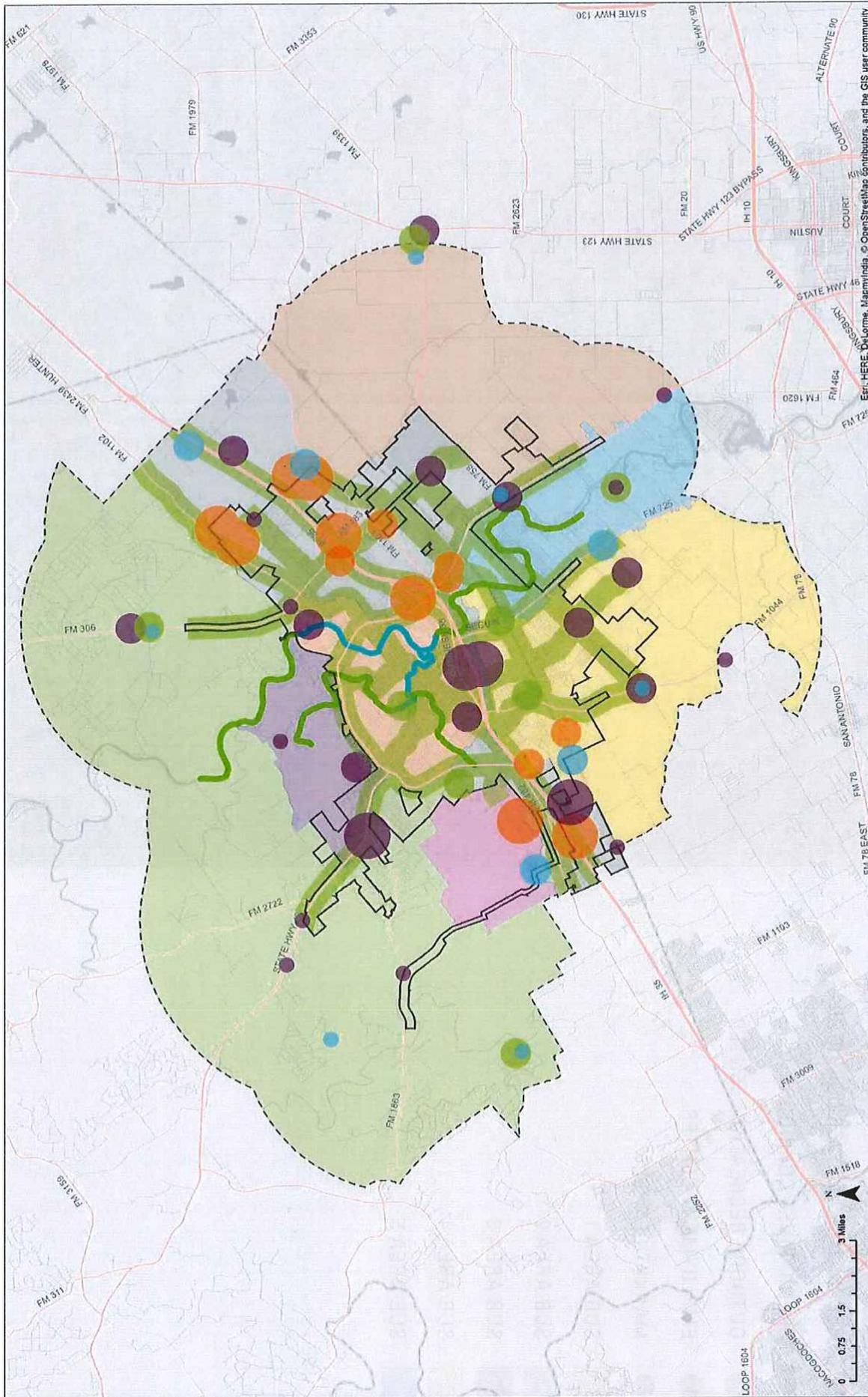




PZ-18-042
1464 Hillview Avenue
SUP for STR in C-3

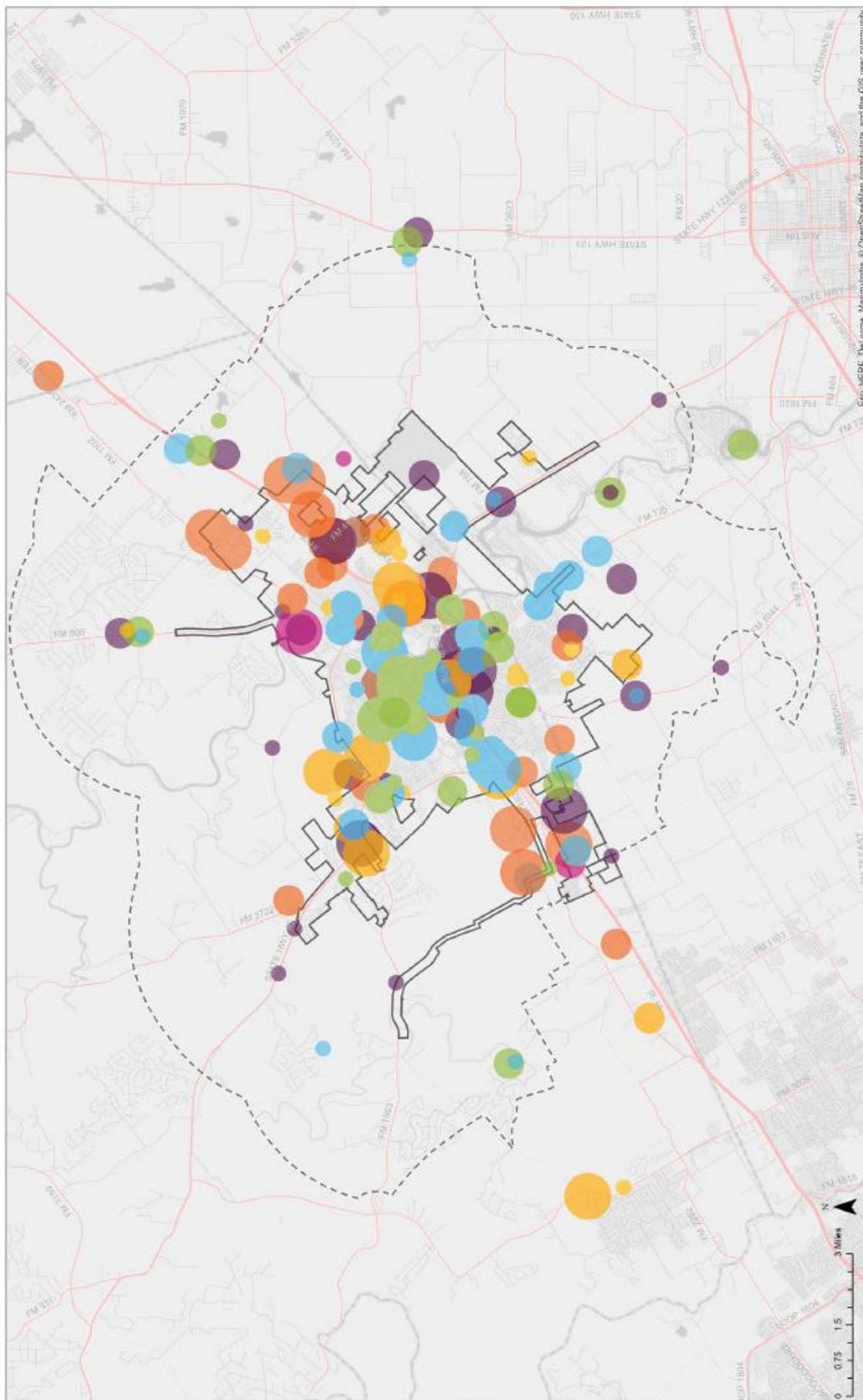


FUTURE LAND USE PLAN



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](#).

Existing Centers



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.

PLANNING COMMISSION – DECEMBER 4, 2018 – 6:00PM

New Braunfels City Hall Council Chambers

Applicant/Owner: Zu Hause, LLC (Tracy Fore)**Address/Location:** 1464 Hillview Avenue**PROPOSED SPECIAL USE PERMIT – CASE #PZ-18-042**

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. ALVES JACK | 9. WILLIAMS JEFFREY S |
| 2. BUECHE DORIS RVCBL TRST | 10. AMARO FLORENTINA D |
| 3. SILVA MODESTO | 11. HARRISS MERRI S |
| 4. RANGEL JOSE ANGEL JR & | 12. HUDSON ROBERT B JR |
| 5. TORRES MELISSA ANN | 13. AYALA GERARDO C |
| 6. GARCIA CLARO A III & JOANNA G | 14. BENAVIDES MARIA G |
| 7. PETERMAN ROBERT HENRY | 15. GUADA COMA MECHANICAL INC |
| 8. JOHNSON OLIVIA | 16. CHURCH OF CHRIST OF NEW |

SEE MAP



PZ-18-042
1464 Hillview Ave.
SUP for Short Term Rental



YOUR OPINION MATTERS - DETACH AND RETURN

335

Case: #PZ-18-042 (Zu Hause LLC) (MG)

Name: Jack Alves

Address: 2057 Ch. NA BERRY Ln

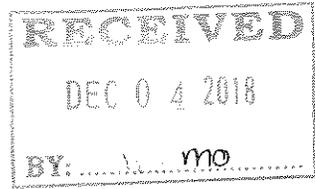
Property number on map: 1

Comments: (Use additional sheets if necessary)

I favor:

I object: _____
(State reason for objection)

Signature: [Handwritten Signature]



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-042 (Zu Hause LLC) (MG)

Name: Robert Hudson

Address: 730 S. Mesquite

Property number on map: 12

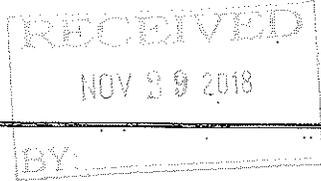
Comments: (Use additional sheets if necessary)

I currently have SUP for my property in the area & think this is a great use for the area

I favor:

I object: _____
(State reason for objection)

Signature: [Handwritten Signature]



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-042 (Zu Hause LLC) (MG)

Name: STONE WILLIAMS

Address: 1117 BUSINESS 35 S.

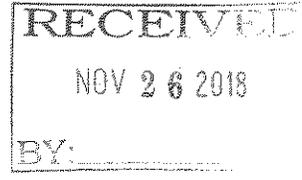
Property number on map: 15

Comments: (Use additional sheets if necessary)

I favor:

I object: _____
(State reason for objection)

Signature: [Handwritten Signature]





336

ADD
PARKING

Current Parking



3.3-9. "C-3" commercial district. The following regulations shall apply in all "C-3" districts:

(a) *Authorized uses.* Uses permitted by right shall be those set forth in the Land Use Matrix in Section 4 of this Appendix. 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
- Community home (see definition)
- Duplex / two-family / duplex condominiums
- Family home adult care
- Family home child care
- 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)

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
- 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
- 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 (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
 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
 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)
 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
 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 (see Sec. 5.13)
 Day camp

Department store
 Drapery shop / blind shop
 Drug sales/pharmacy
 Electrical repair shop
 Electrical substation
 Exterminator service
 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
 Fraternal organization/civic club (private club)
 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)
 Garden shops and greenhouses
 Golf course (miniature)
 Golf course, public or private
 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)
 Home repair and yard equipment retail and rental outlets (no outside storage)
 Hospice
 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)
 Kiosk (providing a retail service)
 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
 Limousine / taxi service
 Locksmith
 Lumberyard (see Sec. 5.15)
 Lumberyard or building material sales (see Sec. 5.15)
 Maintenance/janitorial service
 Major appliance sales (indoor)
 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 with outside boat and RV storage
 Mini-warehouse/self storage units (no 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
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, with retail sales
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
Recreation Buildings (private or public)
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)
RV park
RV/travel trailer sales
School, K-12 (public or private)
School, vocational (business/commercial trade)
Security monitoring company
Security systems installation company
Shoe repair shops
Sign manufacturing/painting plant

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 and 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 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) *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.

(i) *Height.* 120 feet.

(ii) *Front building setback.* No building setback required.

(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 five feet shall be provided.

(iv) *Rear building setback.* 20 feet.

- (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.
 - (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 requirements will not prohibit the construction of a use enumerated in this district.
 - (vii) *Lot depth.* 100 feet.
 - (viii) *Parking.* See Section 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. 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.

- (i) *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, 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
 - 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.)

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 development-generated 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-O, 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 guest(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 complete 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 December 4, 2018 Planning Commission Regular Meeting

PZ-18-042 Public hearing and recommendation to City Council regarding the proposed rezoning to apply a Special Use Permit to allow short term rental of a single-family residence in the "C-3" Commercial District at 1464 Hillview Avenue.

(Applicant Zu Hause LLC; Case Manager: M. Greene)

Mr. Greene presented the Staff report and recommended approval with the following requirements:

1. The applicant will complete construction of the proposed paved driveway addition on Hillview Avenue.
2. The residential character of the property must be maintained.
3. The SUP will be in compliance with the approved site plan. Any significant changes to the site plan will require a revision to the SUP.

Vice Chair Reaves inquired if the whole driveway would be paved.

Mr. Greene clarified and stated the applicant was available to answer any questions.

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

Tracey Fore, 25 La Mesa Drive, stated she was the applicant. She stated the existing driveway and future expansion will be paved.

Robert Hudson, 3321 W. Manor, represented as property number 12 on the notice of public hearing, wished to speak in favor. He stated he owner two properties in the area and was previously granted a Special Use Permit for short term rentals at his property. He stated the use fits well with the surrounding uses and will increase the neighborhood's value.

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 (7-0-0).

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 short term rental of a single-family residence in the "C-3" Commercial District at 1464 Hillview Avenue, with Staff recommendations. Motion carried (7-0-0).

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 A SINGLE FAMILY DWELLING IN THE “C-3” COMMERCIAL DISTRICT, ON THE EAST 2 FEET OF LOT 9 AND WEST 58 FEET OF LOT 10, WILLIAM HOEKE ADDITION, ADDRESSED AT 1464 HILLVIEW 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 2 Special Use Permit for the east 2 feet of Lot 9 and west 58 feet of Lot 10, William Hoeke Addition, addressed at 1464 Hillview Avenue, to allow the short term rental of a single family dwelling in the “C-3” General 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 the east 2 feet of Lot 9 and west 58 feet of Lot 10, William Hoeke Addition, addressed at 1464 Hillview Avenue, as delineated in the attached Exhibit ‘A’, to allow the short term rental of a single family dwelling in the “C-3” Commercial District.”

SECTION 2

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

1. The existing driveway and proposed driveway addition must be constructed and paved prior to issuance of a short term rental permit.
2. The residential character of the property must be maintained.
3. 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.

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 14th day of January, 2019.

PASSED AND APPROVED: Second Reading this the 28th day of January, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

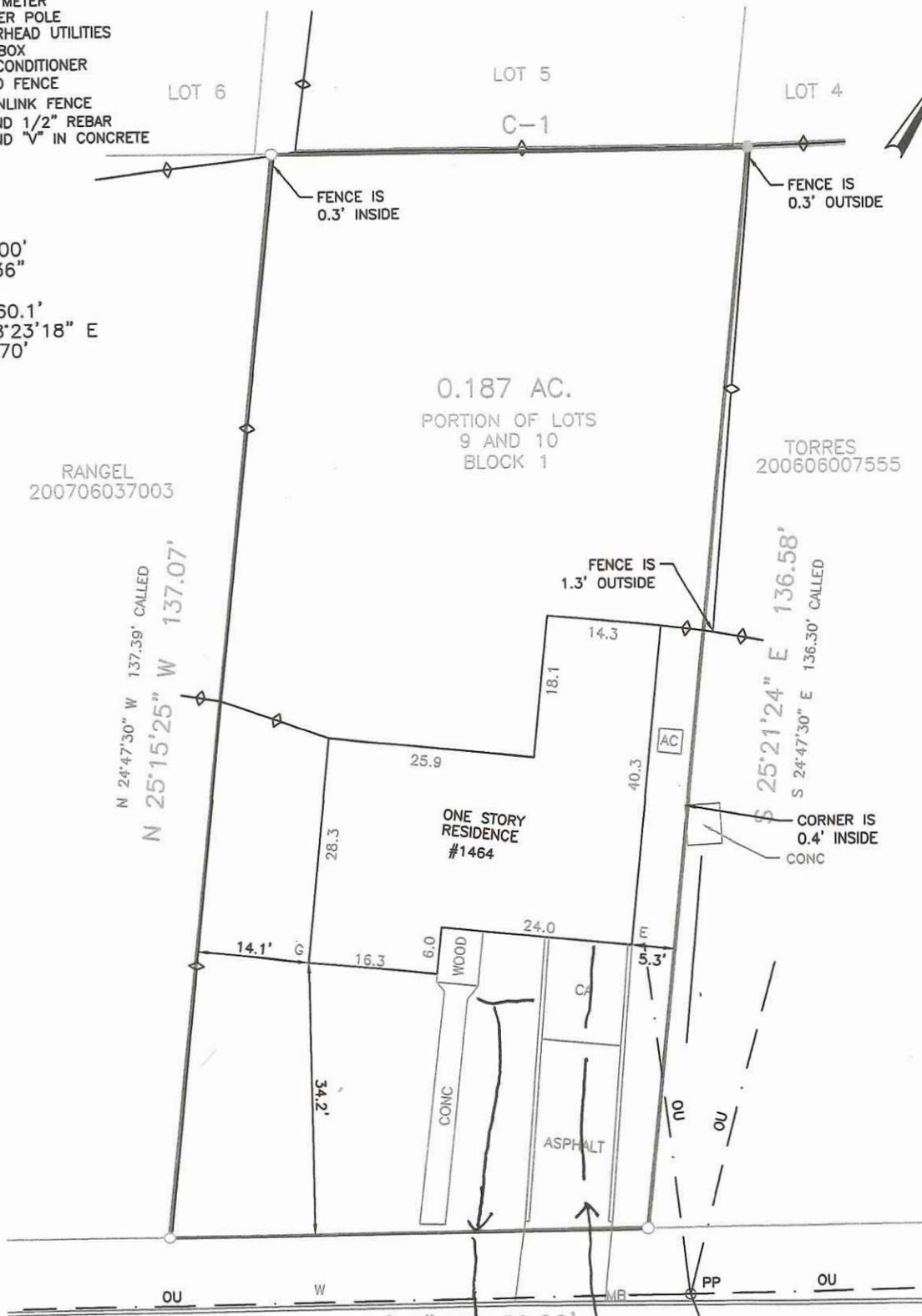
VALERIA M. ACEVEDO, City Attorney

Scale: 1" = 20'

LEGEND:

- CA COVERED ASPHALT
- W WATER METER BOX
- E ELECTRIC METER
- G GAS METER
- PP POWER POLE
- OU OVERHEAD UTILITIES
- MB MAILBOX
- AC AIR CONDITIONER
- WOOD FENCE
- CHAINLINK FENCE
- FOUND 1/2" REBAR
- FOUND V IN CONCRETE

CURVE 1
 RADIUS 5930.00'
 DELTA 00°34'36"
 ARC 59.70'
 ARC CALLED 60.1'
 CHD BRG N 58°23'18" E
 CHD DIST 59.70'



RANGEL 200706037003

0.187 AC.
PORTION OF LOTS 9 AND 10
BLOCK 1

TORRES 200606007555

N 24°47'30" W 137.39' CALLED
N 25°15'25" W 137.07'

S 25°21'24" E 136.58'
S 24°47'30" E 136.30' CALLED

ONE STORY RESIDENCE #1464

CORNER IS 0.4' INSIDE CONC

RECEIVED
 OCT 24 2018
 BY: _____

S 57°57'00" W 59.99'
S 57°57'00" W 60.10' CALLED
REFERENCE BEARING

HILLVIEW AVE.

Current Parking

Proposed ADDED PARKING

REFERENCE BEARING:
OBTAINED FROM DOC. #201706005881.

ADDRESS: 1464 HILLVIEW AVE.

REFERENCES: VOL. 70, PGS. 358-359
DOC. #201706005881

EXHIBIT 'B'

NOTE: THIS SURVEY WAS DONE WITHOUT THE



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. E)

Presenter

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

SUBJECT:

Public hearing and first reading of an ordinance rezoning 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from "R-2" Single and Two-family District to "C-O" Commercial Office District.

BACKGROUND / RATIONALE:

Case No.: PZ-18-039

Council District: 4

Applicant/Owner: T. M. Savell
23899 W. Highway 6
Alvin, TX 77511

Staff Contact: Holly Mullins
(830) 221-4054
hmullins@nbtexas.org

Background/rationale:

The subject property is located on Gruene Road, across from the intersection of Sunnybrook Drive. It has frontage along the Guadalupe River and a small portion of the property is within the 1% annual chance (100-year) floodplain. The property is currently zoned R-2 and is occupied by a single-family residence.

The applicant is interested in pursuing a Special Use Permit (SUP) for a short-term rental. Because short-term rental is prohibited in residential zoning districts, the owner is requesting a change to the base zoning district as a first step.

The applicant originally requested C-1A, which appeared to be appropriate at this location; however, C-1A does not allow single-family residential use. If rezoned to C-1A, the existing house would become non-conforming and reconstruction could be prohibited if it were damaged by flood, fire, etc. Therefore, the applicant amended his request to the less intense C-O District before the Planning Commission meeting.

The C-O Commercial Office District allows neighborhood-scale commercial uses as well as single-family residential. If this rezoning request is approved, short-term rental use on the subject property would still require an SUP, which the applicant will request separately.

General Information:

Lot Size: 1.795 acres

Surrounding Zoning and Land Use:

North - C-4A/ Hotel - bed & breakfast inn

South -

East -

PD/ Multiple dwelling units, short-term rentals
Across Gruene Road, C-1A/ Commercial

West -

Across Guadalupe River, R-1/ Residential

Floodplain:

A small portion of the property is within the 1% annual chance flood zone.

Improvement(s): Single-family residence

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 (*C-O zoning is intended for mixed neighborhood services including professional office and residential uses. The proposed zoning is appropriate for this location along Gruene Road and compatible with existing uses in the area.*);
- 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 zoning should not conflict with existing and proposed schools, street, or utilities in the area.*);
- How other areas designated for similar development will be affected (*The proposed zoning should not impact other areas designated for similar development.*);
- Any other factors that will substantially affect the public health, safety, morals, or general welfare (*There should be no other factors that will substantially affect the public health, safety, morals, or general welfare.*); and
- Whether the request is consistent with the Comprehensive Plan (*The subject property lies within the New Braunfels Sub Area, is along a Recreational River Corridor, and near an existing Tourist/Entertainment Center and future Market Center [see Attachment 3].*)

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

| | |
|--|---|
| City Plan/Council Priority: Envision New Braunfels | Action 3.3: <i>Balance commercial centers with stable neighborhoods.</i> The proposed low intensity mixed-use zoning is consistent with the Future Land Use Plan and is compatible with current surrounding land uses. The proposed zoning would provide flexibility in future redevelopment of the property in response to changing economic trends in the area. Action 3.13: <i>Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities and price points can be provided across the community as well as within individual developments.</i> Rezoning from R-2 would allow future development of an additional variety of uses in this neighborhood that would provide an appropriate transition from the commercial node of Gruene to the residential neighborhoods to the south. |
|--|---|

FISCAL IMPACT:

N/A

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 8, 2019 and unanimously recommended approval of the rezoning request (8-0-0).

STAFF RECOMMENDATION:

Staff recommends approval as C-O would accommodate the existing use of the property, allows other uses compatible with the surrounding area, and would provide an appropriate use intensity transition consistent with Envision New Braunfels.

Notification:

Public hearing notices were sent to 13 owners of property within 200 feet of the request. The Planning Division has received no responses.

Attachments:

1. Aerial Map
2. Application
3. Land Use Maps (Zoning, Existing Land Use, Future Land Use Plan)
4. Notification Map and List
5. Sec. 3.4-1 C-O
6. Photograph
7. Draft Minutes from Planning Commission
8. Ordinance



PZ-18-039
1193 Gruene Road
R-2 to C-1A



Legend
 Subject_Property



Planning & Community Development Department
Planning Division

550 Landa St. New Braunfels, TX 78130
(830) 221-4050 www.nbtexas.org

| | |
|--|----------------------------|
| CC/Cash/Check No.: <u>8504</u> | Case No.: <u>P2-18-039</u> |
| Amount Recd. \$ <u>1,472</u> | |
| Receipt No.: <u>218070</u> | |
| RECEIVED | |
| OCT 04 2018 | |
| <small>BY <u> </u> Submittal date - office use only</small> | |

Zone Change Application

Any application that is missing information will be considered incomplete and will not be processed.

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name: T.M. Savell (owner)
 Mailing Address: 23899 W. Hwy 6 Alvin, TX 77511
 Telephone: 281-331-5239 Fax: _____ Mobile: 281-723-5657
 Email: tbonehnr@yahoo.com

2. Property Address/Location: 1193 Gruene Rd. New Braunfels, TX 78130

3. Legal Description:

Name of Subdivision: Town of Gruene
 Lot(s): 4 + portion of 5 Block(s): 1 Acreage: 1.795 acres

4. County: Comal Guadalupe School District: CISD NBISD OTHER: _____

5. Is the property located in the floodway or floodplain: YES NO

6. Existing Use of Property: residential

7. Zoning Change Request:

Current Zoning: R-2
 Proposed Zoning: C-1-A

8. Proposed Use of Property and/or Reason for request (attach additional or supporting information if necessary):

Vacation rental like other houses in the area

STAFF:

APPLICANT:

A survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries (if property is not platted)

Letter of Authorization for appointed agent (if applicable)

3 TIA worksheets and 2 Traffic Impact Analysis (if required, contact the Engineering Division at (830) 221-4020, or at Engineering@nbtexas.org, for more information)

A map of the floodplain overlaying the property proposed for zoning or, at a minimum, a copy of the proper FEMA flood map, with panel number (applicable if 'YES' was selected for question #5 on page 1)

Map of property in relation to City limits/major roadways or surrounding area

Copy of deed showing current ownership.

Future Land Use Plan Update: \$500 (if applicable, verify with the Planning Division)

Application Fee: \$ 1,200.00

Standard Zone Change: \$1,000 + (2 acres x \$100) = \$ 1,200.00 (max. \$3,000)

Technology Fee: \$ 36.00

3% of application fee → \$ 1,200 (application fee) x .03 = \$ 36.00

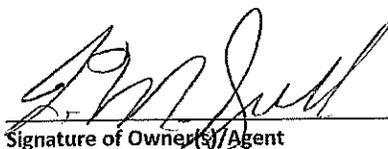
Newspaper Notice: \$236 (\$115 each for Planning Commission and City Council + 3% tech. fee)

Public Hearing Mail Notifications and Signage

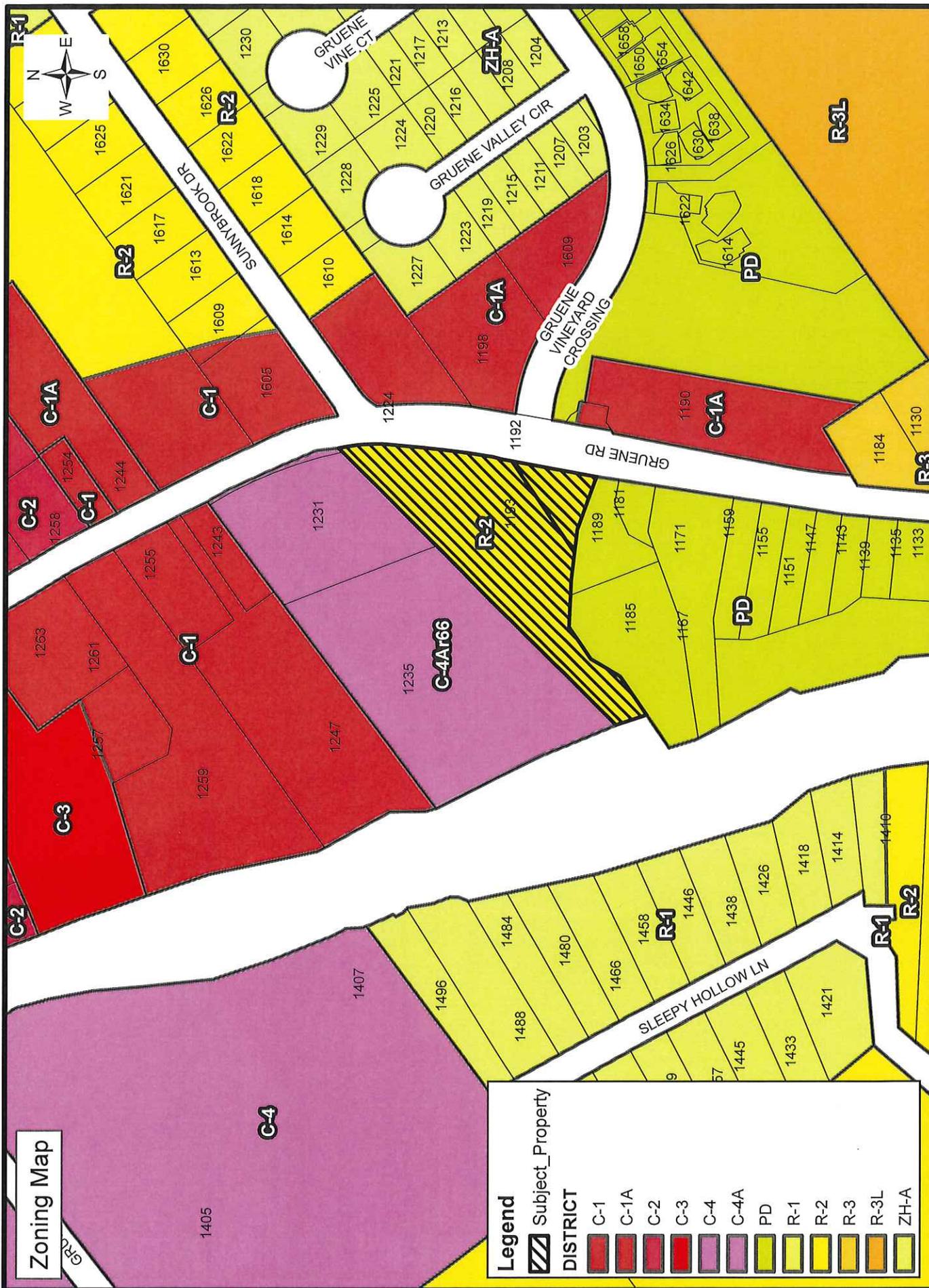
*Please note: The total will be calculated by Staff after application submittal and must be paid when sign(s) are picked up by the applicant.

Please note: The signature indicates that the owner or an authorized agent has reviewed the requirements of this application and attached checklist, and all items on this checklist have been addressed and complied with. The owner/authorized agent understands that an incomplete application will **not** be accepted, and this application will **not** be accepted after the 4 p.m. deadline on an application deadline date, as outlined on the calendar attached to this application. The signature authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted.

The undersigned hereby requests rezoning of the above described property as indicated.

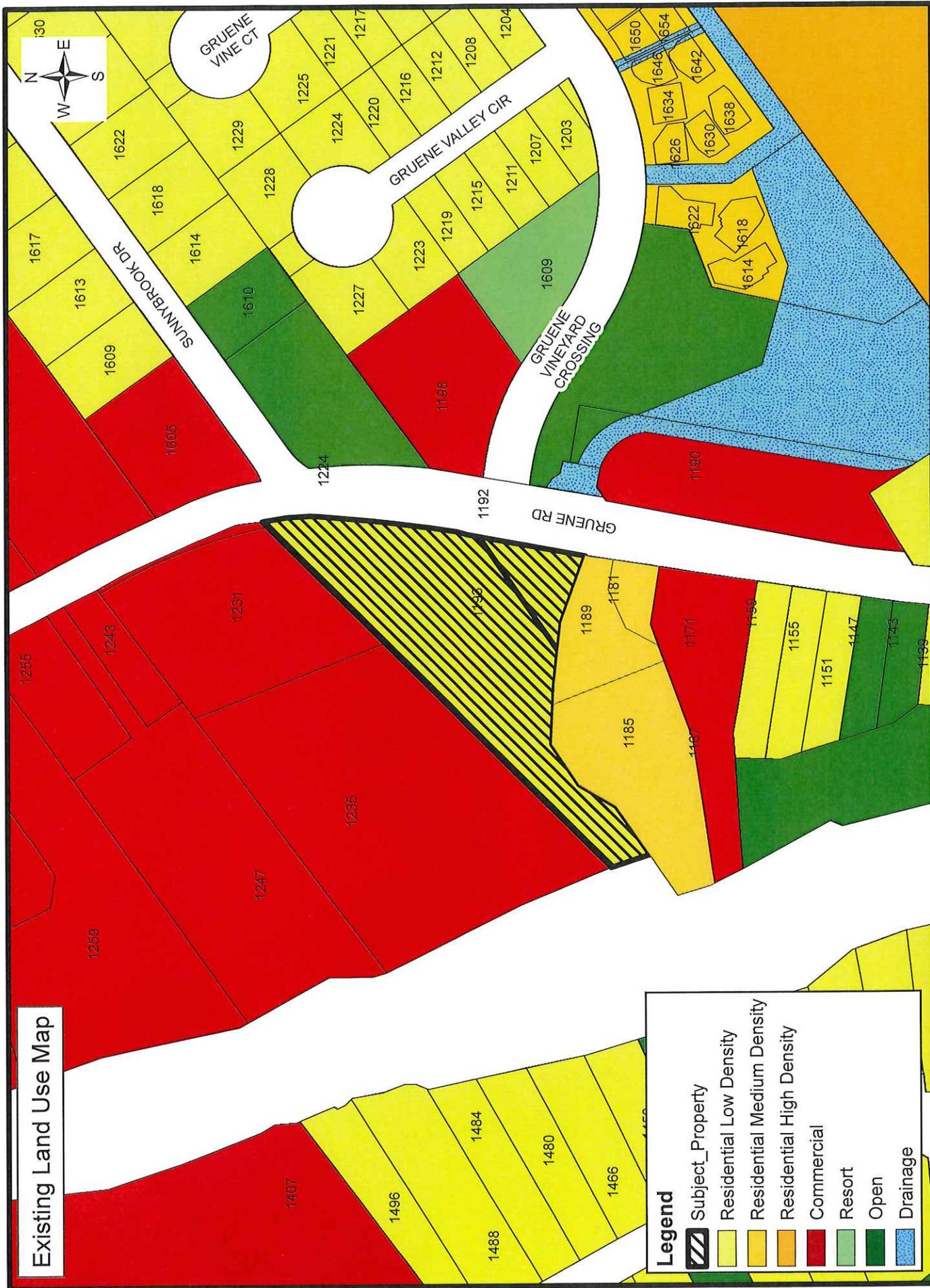

Signature of Owner(s)/Agent

10-1-2018
Date
TRACY M SAUBEL
Print Name & Title



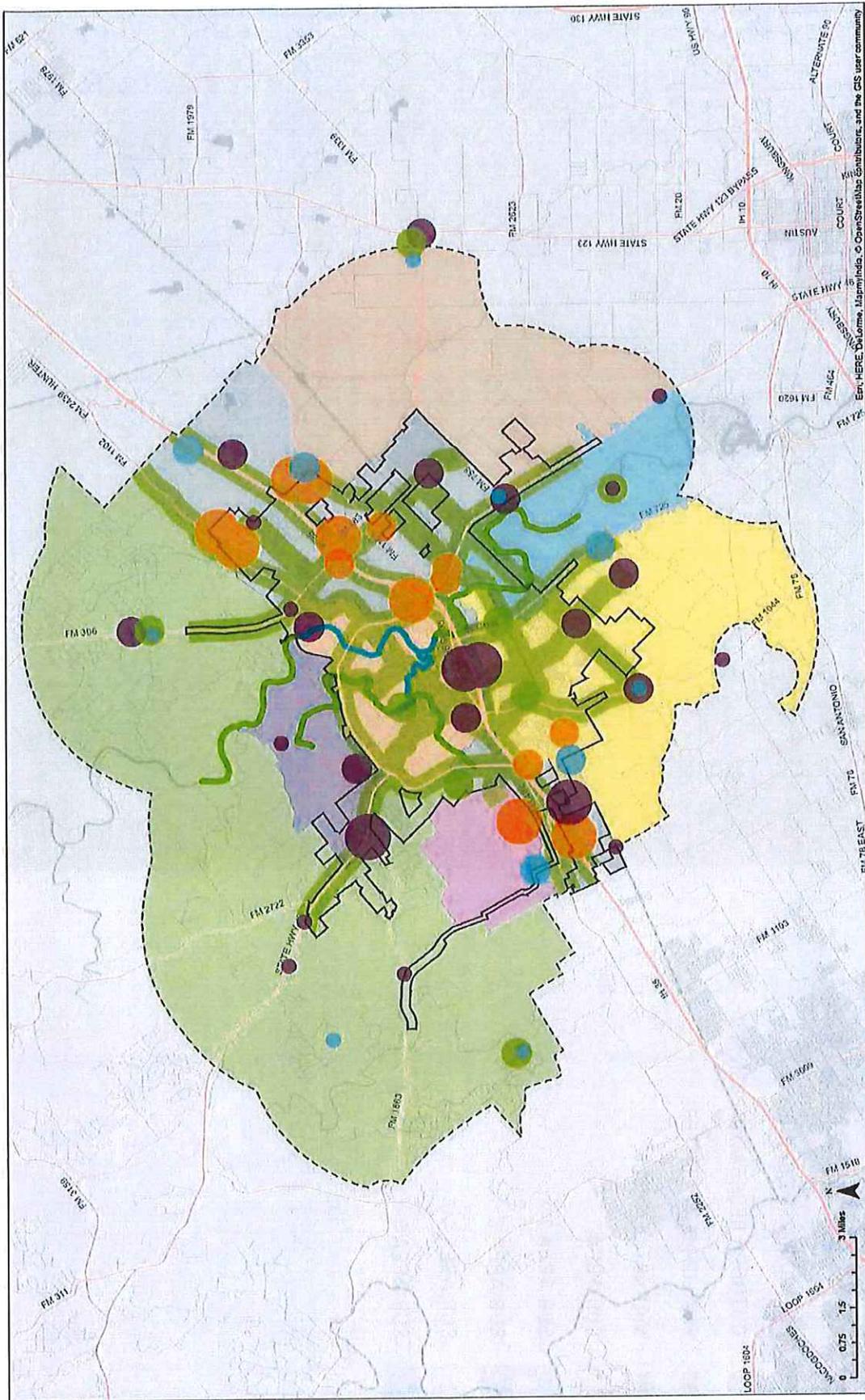
PZ-18-039
 1193 Gruene Road
 R-2 to C-1A





PZ-18-039
1193 Gruene Road
R-2 to C-1A





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](#).

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.

PLANNING COMMISSION – JANUARY 8, 2019 – 6:00PM

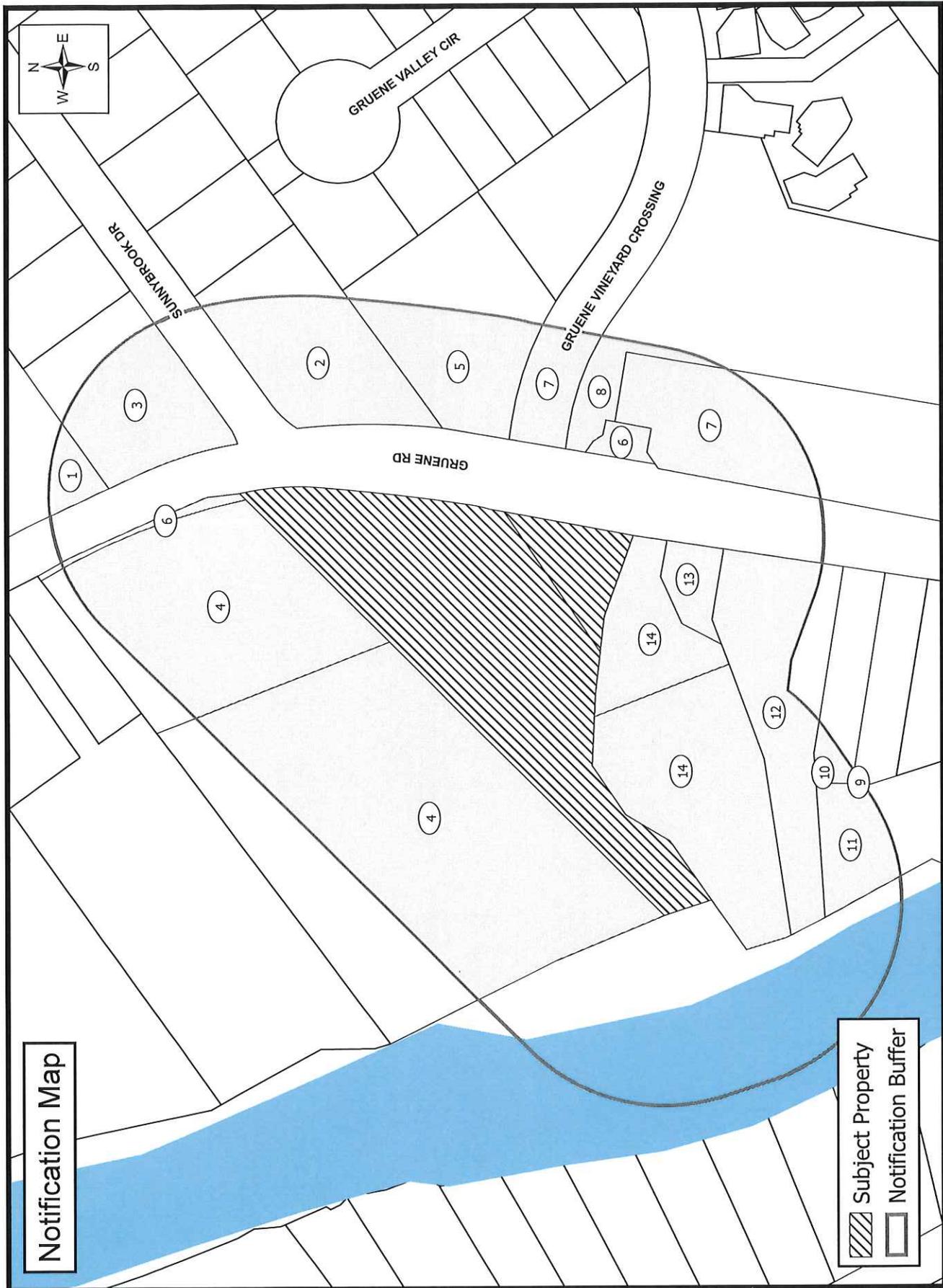
New Braunfels City Hall Council Chambers

Applicant/Owner: Tracy Savell**Address/Location:** 1193 Gruene Road**PROPOSED ZONE CHANGE – CASE #PZ-18-039**

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 | GRUENE TEXAS 90 LLC | 8 | GRUENE COMMONS LTD |
| 2 | CEOSA INVESTMENTS LLC | 9 | RICH RUTH |
| 3 | WEST ROBERT L | 10 | FREDRICKSON TERRY LEE |
| 4 | GILLUM DEVELOPMENT LP | 11 | RIVER BLUFF AT GRUENE HOA |
| 5 | CEOSA GRUENE STONE LLC | 12 | GRUENE RIVER BLUFF LLC |
| 6 | NEW BRAUNFELS CITY OF | 13 | CARR WILLIAM M JR |
| 7 | VINEYARD AT GRUENE POA | 14 | MONROE CARR & ASSOCIATES INC |

SEE MAP



Map Created 12/21/18

PZ-18-039
1193 Gruene Road
R-2 to C-O



Notification Map

 Subject Property
 Notification Buffer

3.4-17. "C-O" Commercial office district.

Purpose. The commercial office district is established to create a mixed use district of professional offices and residential use. The regulations set forth in this article are intended to encourage adaptive reuse of buildings or new office developments of the highest character in areas that are compatible and sensitive to the surroundings and ensure historic integrity. Such uses should not generate excess additional traffic or access problems.

(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
- Community home (see definition)
- Dormitory (in which individual rooms are for rental)
- Duplex / two-family / duplex condominiums
- Hospice
- Multifamily (apartments/condominiums)
- One family dwelling, detached
- Residential use in buildings with the following non-residential uses
- Single family industrialized home (see Sec. 5.8)
- Townhouse (attached)
- Zero lot line / patio homes

Non-residential uses:

- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Answering and message services
- Antique shop (household items)
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan's studio
- Bakery (retail)
- Bank, savings and loan, or credit union
- Barber/beauty shop, haircutting (non-college)
- Barns and farm equipment storage (related to agricultural uses)
- Book store
- Cemetery and/or mausoleum
- Check cashing service
- Church/place of religious assembly
- Clinic (dental)
- Clinic (emergency care)
- Clinic (medical)
- Coffee shop
- Community building (associated with residential uses)
- Confectionery store (retail)
- Contractor's temporary on-site construction office (only with permit from building official)
- Credit agency
- Electrical substation

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)
 Garden shops and greenhouses
 Golf course (public or private)
 Governmental building or use
 Kiosk (providing a retail service)
 Laundry/dry cleaning (drop off/pick up)
 Locksmith
 Needlework shop
 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
 Park and/or playground (private or public)
 Photographic printing/duplicating/copy shop or printing shop
 Photographic studio (no sale of cameras or supplies)
 Photographic supply
 Public recreation/services building for public park/playground areas
 Recreation buildings (public)
 Research lab (non-hazardous)
 Retirement home/home for the aged - public
 School, K-12 (public or private)
 School, vocational (business/commercial trade)
 Security monitoring company (no outside storage or installation)
 Shoe repair shops
 Telemarketing agency
 Telephone exchange buildings (office only)
 Tennis court (commercial)
 Travel agency
 University or college (public or private)
 Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system

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

(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 uses.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 15 feet.

(iii) *Side building setback.* A side building setback of not less than five feet shall be provided for a single story building or structure in which there are no openings to the side yard. A minimum 10 foot side building setback shall be provided for a single story building or structure with openings to the side yard.

(iv) *Rear building setback.* 20 feet.

(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.

(vi) *Width of lot.* 60 feet.

(vii) *Corner lots.* Buildings on corner lots shall have 15-foot side building setbacks adjacent to the street except when abutting any residential district where the side building setback shall then become a minimum of 25-feet.

(viii) *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)

(ix) *Parking.* See Sec. 5.1 for permitted uses' parking.

(2) One family dwellings:

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *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 lines of the corner lots coincide with the side lot lines of the adjacent lots.

(iv) *Rear building setback.* 20 feet.

(v) *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.

(vi) *Lot area per family.* Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 6,600

square feet per dwelling for interior lots, and 7,000 square feet per dwelling for corner lots, provided that where a lot has less area 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. Where 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 not located over the recharge zone and one acre located over the recharge zone.

(vii) *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*. 35 feet.

(ii) *Front yards*. 25 feet.

(iii) *Side building setback*. There shall be a side building setback on each side of a building not less than 5 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 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*. 20 feet.

(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 per family*. 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 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) *Parking*. Two off-street parking spaces shall be provided for each two-family dwelling unit. See Section 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.* A side building setback of 20 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.

(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) *Parking and accessory uses.* Parking may encroach into the interior side and rear building setback as long as a solid screening fence or wall of six to eight feet in height is erected along the interior side and rear property lines. 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 not be less than 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. (See Illustration 2)

(xiii) *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.

(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) *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.

(xi) *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."

(xii) *Parking.* There shall be at least two off-street parking spaces for each townhouse. See Section 5.1 for other permitted uses' parking.

(6) Zero lot line / patio homes.

(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.* There shall be no side building setback required on one side of the lot and a minimum of 10 feet in the opposite side yard. If the side of the lot abuts any other residential zoning district, that side building setback shall have a minimum of ten feet. The dwelling on the "no side building setback required" side may be off-set from the property line by no more than one foot.

(iv) *Corner lots.* Buildings on corner lots shall provide a minimum exterior side building setback of 10 feet. If entry to a garage/carport is provided on the exterior side, a minimum yard of 20 feet shall be provided to the garage/carport.

(v) *Rear building setback.* If rear entry garages/carports are provided from an alley, the rear building setback shall have a

minimum depth of 20 feet. If no alley is provided and garage/carport entries are from the front, the rear building setback shall have a minimum depth of 10 feet. 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.* 40 feet.

(vii) *Lot area.* 4,000 square feet.

(viii) *Lot depth.* 100 feet.

(ix) *Minimum area zoned.* Not less than three lots with common side lot lines will be zoned for zero lot line homes. When facing on the same street within the same block, mixing of ZH structures and other residential structures will not be allowed. However, this does not preclude other residential uses on one side of a street with ZH uses on the opposite side of the street within the same block or different blocks.

(x) *Zero lot line wall.* No door or window openings shall be built into the side wall facing the zero lot line except those that are more than three feet from the property line and screened by a masonry wall at least eight feet in height so that the opening(s) is not visible from the adjoining property. (See Illustration 3, "ZH-A" district)

(xi) *Maintenance, drainage and overhang easement.* A maintenance, drainage and overhang easement of five feet shall be provided on each lot that is adjacent to a lot with a zero setback allowance. This easement shall be for the purpose of maintaining the wall and foundation that is adjacent to one side property line to provide for proper maintenance and drainage.

(xii) *Overhang.* Eaves and gutters may overhang the zero lot line side of the lot by no more than 18 inches. If there is an overhang over the lot line, a gutter is required such that roof runoff shall not be deposited over the lot line onto adjoining property.

(xiii) *Parking.* There shall be at least two off-street parking spaces for each zero lot line home. See Section 5.1 for other permitted uses' parking.

(c) *Parking and off-street loading requirements.* The parking requirements for the permitted uses described herein are outlined in Section 5.1. In the case of mixed uses, i.e., residential and commercial, the parking requirements shall be additive.



Draft Minutes for the January 8, 2019 Planning Commission Regular Meeting

PZ-18-039 Public hearing and recommendation to City Council regarding the proposed rezoning of 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from “R-2” Single and Two-family District to “C-O” Commercial Office District.

(Applicant: T. Savell; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval.

Chair Edwards invited the applicant to speak.

Mark Savell, 1193 Gruene Road, stated he was the applicant. He explained the purpose of the rezoning was to eventually operate a short-term rental at the property to offset the cost of property taxes. He stated he does not intend to use the property for anything other than short-term rental.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

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

Motion by Commissioner Laskowski, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning of 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from “R-2” Single and Two-family District to “C-O” Commercial Office District. Motion carried (8-0-0).

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 1.795 ACRES OUT OF THE AP FUQUAY SURVEY 35 A-15, ADDRESSED AT 1193 GRUENE ROAD, FROM “R-2” SINGLE AND TWO-FAMILY DISTRICT TO “C-O” COMMERCIAL-OFFICE DISTRICT; 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 the “C-O” Commercial-Office District, the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council desires to amend the Zoning Map by rezoning 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from “R-2” Single and Two-Family District to “C-O” Commercial-Office District; **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by rezoning the following described tract of land from “R-2” to “C-O” Commercial-Office District:

1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, as described in Exhibit “A” and delineated on Exhibit “B” attached.

SECTION 2

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 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 January, 2019.

PASSED AND APPROVED: Second reading this 11th day of February, 2019.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

URBANCIVIL™

Job No. 1804.07.NB
May 16th, 2018

1.795 Acres

State of Texas
County of Comal

Fieldnotes, for a 1.795 Acre tract, situated in the A. P. Fuquay Survey Number 35, Abstract Number 155, Comal County, Texas, comprised of a 0.2435 Acre tract, described in a Deed from Van Horn Lodge at Gruene, Ltd., to Larry Anderson and wife, Mary Margaret Anderson, as recorded in Document Number 201206041725 of the Official Public Records of Comal County, Texas and the remainder of a 1.943 acre tract described in a Deed from Mary Margaret Anderson to Larry Anderson, as recorded in Document Number 9806004418, of the said Official Public Records; said 1.795 Acres being more fully described by metes and bounds as follows;

Beginning, at a ½ Inch Iron Rod with Illegible Yellow Plastic Cap found, on the West Right-of-Way line of Gruene Road, the Northeast corner of a Variable Width Access Easement, as shown on the Replat of Lot 12, River Bluff at Gruene, Unit 2, Establishing Lots 12R-1, 12R-2 and 12R-3, as recorded in Document Number 201606041337, of the Map and Plat Records of Comal County, Texas, for the Southeast corner of the said 0.2435 Acre tract and this tract;

Thence, with the North line of the said River Bluff at Gruene, Unit 2, for the South line of this tract as follows:

- North 72°46'17" West, 95.57 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- North 85°52'39" West, 86.66 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- South 89°56'15" West, 79.45 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- South 53°58'13" West, 66.34 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, for a corner of the said Unit 2 and this tract;
- South 29°35'12" West, 58.01 Feet, to a ½ Inch Iron Rod with Orange Plastic Cap stamped "Urban Civil" set, for a corner of the said Unit 2 and this tract;
- South 53°33'55" West, 142.34 Feet, to a ½ Inch Iron Rod with Red Plastic Cap stamped "KSC 5960" found, on the West line of the said 1.943 Acre tract, for the Northwest corner of the said Unit 2, the Southwest corner of this tract;

Thence, North 19°09'47" West, with the West line of the said 1.943 Acre tract, 39.85 Feet, to a ½ Inch Iron Rod found, for the Northwest corner of the said 1.943 Acre tract and this tract;

Thence, North 44°58'08" East, with the North line of the said 1.943 Acre tract, 720.16 Feet, to a ½ Inch Iron Rod with Illegible Orange Plastic Cap found, on the said West Right-of-Way, for the Northeast corner of the said 1.943 Acre tract and this tract;

Exhibit "A"

Page 1 of 2

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City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. F)

Presenter

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

SUBJECT:

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 “C-1” Local Business District and the “R-3” Multifamily District on Lot 2, Block 4, Broadway Estates Unit 2, addressed at 842 Wall Street.

BACKGROUND / RATIONALE:

Case No.: PZ-18-046

Council District: 4

Owner/Applicant: Gerald Dean Roberts
842 Wall Street
New Braunfels, TX 78130

Staff Contact: Matthew Simmont
(830) 221-4058
msimmont@nbtexas.org

Background/rationale:

The subject property is located approximately 130 feet southwest of the intersection of Manhattan and Wall Street. The property is approximately 7,800 square feet in area and is occupied by a 1,958 square foot residential structure built in 2014.

The property is split-zoned “C-1” Local Business District and “R-3” Multifamily District which allows rental or occupancy for less than one month. However, the structure is a single-family dwelling which requires approval of a Special Use Permit (SUP) before it can be used as a short-term rental. If the SUP is approved, an administrative Short Term Rental Permit, annual fire inspections and remittance of hotel occupancy tax are also required.

On May 31, 2018, the Code Enforcement Division of the Planning and Community Development Department was notified that the subject property was likely operating a short term rental. Further investigation revealed that the property was being used as an out of compliance short term rental. The applicant is pursuing the SUP to legitimize the short term rental.

The applicant’s submitted floor plan indicates the existing structure is a three-bedroom dwelling, making it eligible for a maximum of 10 adult occupants. A minimum of 3 and a maximum of 4 parking

spaces are required; the applicant is proposing to utilize the existing paved driveway to provide **only 2 off-street parking spaces**.

There are no other short-term rental properties in the neighborhood.

Standards for short term rentals are attached, and include:

- an administrative Short Term Rental Permit and annual inspections are required, in addition to the SUP;
- a maximum of two (2) adults per sleeping area plus an additional four (4) adults per residence **(three (3) sleeping areas plus four (4) additional adults allows for a maximum total of 10 adults occupying this property)**;
- display of a short term rental decal;
- a minimum of one (1) off-street parking space per sleeping area, not including a garage, and not to exceed the number of sleeping areas plus one (1) **(minimum of three (3) spaces and a maximum of four (4) 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:

Lot Size: Approximately 0.18 acres (7840 square feet)

House Size: 1,958 square feet

Surrounding Zoning and Land Use:

North - C-1/ Single-family residence

South - R-3 / Single-family residence

East - Broadway Estates PD (single-family residential) / Single-family residence

West - Across Wall St., R-2 / Single-family residence

Request Due to Notice of Violation: Yes

Floodplain:

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

Improvement(s):

Single-family residence

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 zoned R-3 and C-1 which are remnants of historic zoning patterns that designated the majority of land adjacent to major corridors for commercial and multifamily use. A bridge embankment presents a significant physical barrier between the neighborhood and Loop 337. This neighborhood was developed*

within the last decade and consists exclusively of single-family residences. While the subject property is within close proximity to Loop 337 and IH-35, the predominance of single-family residential use through which tenants would have to navigate makes the property less than ideal for lodging use);

- 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 *(There should be no negative effects on 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 as required in Section 5.17 of 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 subject property lies within the New Braunfels Sub Area, is adjacent to a Transitional Mixed-Use Corridor, and is in close proximity to existing Outdoor Recreation and Medical Centers.)*

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

| | |
|--|---|
| <p>City Plan/Council Priority: Envision New Braunfels</p> | <p>Action 1.14 <i>Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions.</i> While short term rental at the subject location would provide a lodging option, its location is not easily accessible to thoroughfares or attractions and, therefore, would negatively impact surrounding properties. Action 3.3 <i>Balance commercial centers with stable neighborhoods.</i> The subject property is in a single-family residential neighborhood. Even with the supplemental standards, short term rental could have negative impacts at this location in the neighborhood. Action 3.17 <i>Enact policies that dis-incentivize commercial encroachment into neighborhoods that whittle away at the edges, while still allowing for neighborhood scale commercial within walking distance of homes.</i> Short term rental of the subject property will introduce commercial activity into the center of the neighborhood.</p> |
|--|---|

FISCAL IMPACT:

If approved, the property will be subject to local and state hotel occupancy tax (HOT). The property owner will be responsible for remitting the local portion to the City.

COMMITTEE RECOMMENDATION:

The Planning Commission held a public hearing on January 8, 2019 and recommended denial (8-0-0).

STAFF RECOMMENDATION:

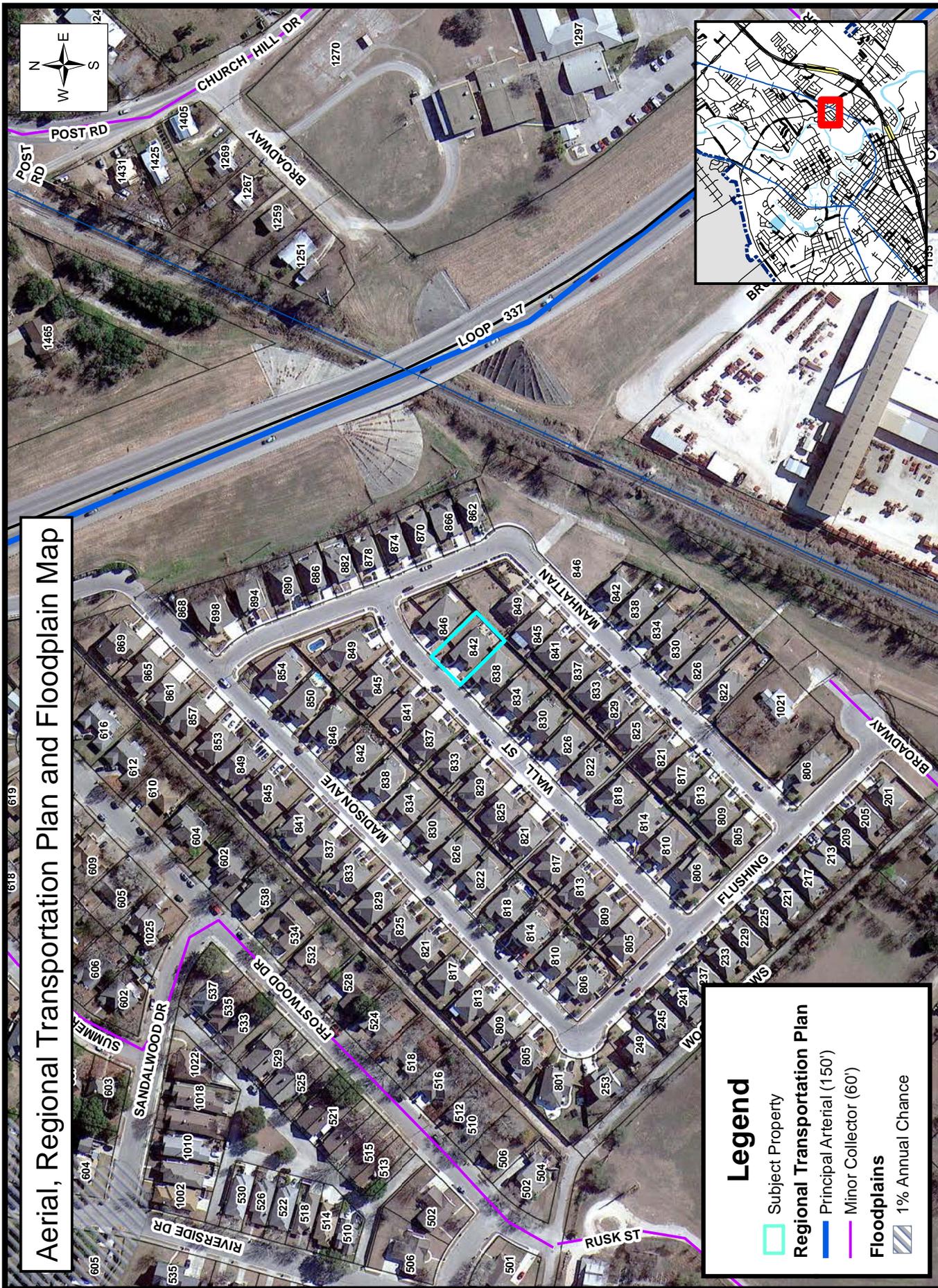
Staff recommends denial. The subject property has limited parking for its number of sleeping areas, and is embedded in the middle of a neighborhood requiring commercial traffic (guests) to travel into the heart of a neighborhood to access the site creating negative impacts to neighbors.

Notification:

Public hearing notices were sent to 34 owners of property within 200 feet of the request. The Planning Division has received 13 responses (#2, 3, 6, 9-13, 15-17, 20 & 31) in opposition and zero in favor. **More than 20% of the property within 200 feet is represented by opposition, therefore, pursuant to state statute, a supermajority vote of City Council is required to approve the request.**

Attachments:

1. Aerial, Regional Transportation Plan Map
2. Application
3. Land Use Maps (Zoning, Existing Land Use, Existing Centers, Future Land Use Plan)
4. Survey and Floor Plan
5. Existing Short-term Rental Vicinity Map
6. Notification List, Map and Responses
7. Photograph
8. Zoning Ordinance Sections:
 - a. Sec. 3.3-3 "R-3" Multifamily District
 - b. Sec. 3.3-7 "C-1" Local Business District
 - c. Sec. 3.6 Special Use Permits
 - d. Sec. 5.17 Short Term Rentals
9. Planning Commission Meeting Draft Minutes
10. Ordinance



Aerial, Regional Transportation Plan and Floodplain Map

Legend

- Subject Property
- Regional Transportation Plan**

 - Principal Arterial (150')
 - Minor Collector (60')

- Floodplains**

 - 1% Annual Chance

PZ-18-046
 842 Wall St.
 SUP to Short Term Rentals in R-3/C-1





Planning & Community Development Department
Planning Division

550 Landa St. New Braunfels, Tx 78130
(830) 221-4050 www.nbtexas.org

| | |
|--------------------------------|----------------------------|
| CC/Cash/Check No. <u>105</u> | Case No.: <u>PZ-18-046</u> |
| Amount Recd. \$ <u>1563.00</u> | |
| Receipt No.: <u>219417</u> | |
| | |

Special Use Permit Application to Allow Short Term Rental

Any application that is missing information will be considered incomplete and will not be processed.

1. Applicant - If owner(s), so state; If agent or other type of relationship, a letter of authorization must be furnished from owner(s) at the time submitted.

Name: Gerald Dean Roberts

Mailing Address: 842 Wall St. NB TX 78130

Telephone: (830) 837-8685 Fax: _____ Mobile: (830) 837-8685

Email: gdean1225@gmail.com, Kirbyjr483@gmail.com

2. Property Address/Location: 842 Wall St NB TX 78130

3. Legal Description:
 Name of Subdivision: Bronway Estates Sub Plat, unit 2
 Lot(s): 2 Block(s): 4 Acreage: .18

4. Existing Use of Property: Main dwelling

5. Current Zoning: R-3 / C-1

*Please note Short Term Rentals are **prohibited** in the following residential districts, & a Special Use Permit could **not** be requested:

- R-1 • ZH • TH • R-1A-43.5 • R-1A-8 • R-2A • B-1B
- R-2 • ZH-A • B-1 • R-1A-12 • R-1A-6.6 • B-1A • TH-A

6. Proposed Special Use Permit*: Type 1 _____ OR Type 2 X

**see page 4 for information regarding Type 1 and Type 2 Special Use Permits*

7. Explain how the proposed Short Term Rental use will be well suited for the neighborhood (attach additional or supporting information if necessary): We haven't had any issues or complaints concerning any of the short term renters.

SUBMITTAL CHECKLIST:

STAFF:

APPLICANT:

- A survey and/or metes and bounds description of the property with an exhibit illustrating property boundaries *(if property is not platted)*.
- Letter of Authorization for appointed agent *(if applicable)*.
- Map of property in relation to City limits/major roadways or surrounding area.
- Copy of deed showing current ownership.
- Floor plan with the following information:
 - Layout of the building
 - Dimensions of each room
 - Room Labels (kitchen, bathroom, dining room, garage, etc.)
 - Sleeping areas
 - Doors and windows
- (Type 2) Development/site plan with the following information:**
 (*Please note: Additional information may be requested.)
 - Drawn to scale
 - North arrow
 - Property lines
 - Adjacent street names
 - Location of all buildings
 - Number of parking spaces (parking calculation table required)
 - Dimensions of parking space and maneuvering space
 - Driveways (means of ingress/egress)
- Application Fee: \$ _____
 \$1,500 + (.18 acres x \$100) = \$ 63.00 (max. \$4,000)
- Technology Fee: \$ _____
 3% of application fee → \$ _____ (application fee) x .03 = \$ 1563.00
- Public Hearing Newspaper Notice: \$230 (\$115 each for Planning Commission and City Council)
- Public Hearing Mail Notifications and Signage.
 *Please note: The total fee will be calculated by Staff after application submittal based on the quantity of mailed notices and signs and must be paid when sign(s) are picked up by the applicant when sign(s) are picked up by the applicant.

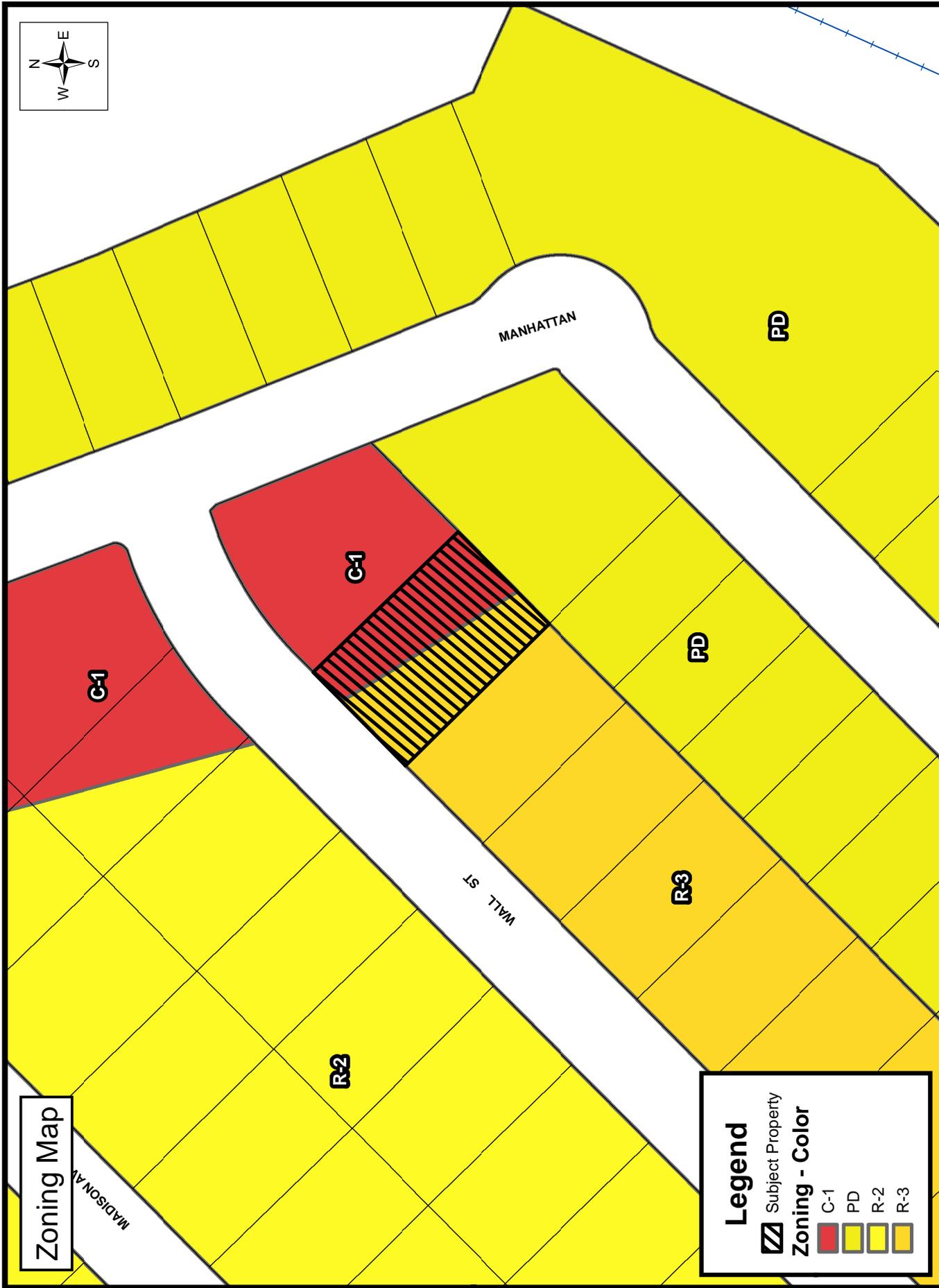
Please note: The signature indicates that the owner or an authorized agent has reviewed the requirements of this application and attached checklist, and all items on this checklist have been addressed and complied with. The owner/authorized agent understands that an incomplete application will **not** be accepted, and this application will **not** be accepted after the 4 p.m. deadline on an application deadline date, as outlined on the calendar attached to this application. The signature authorizes City of New Braunfels staff to visit and inspect the property for which this application is being submitted.

The undersigned hereby requests rezoning of the above described property as indicated.

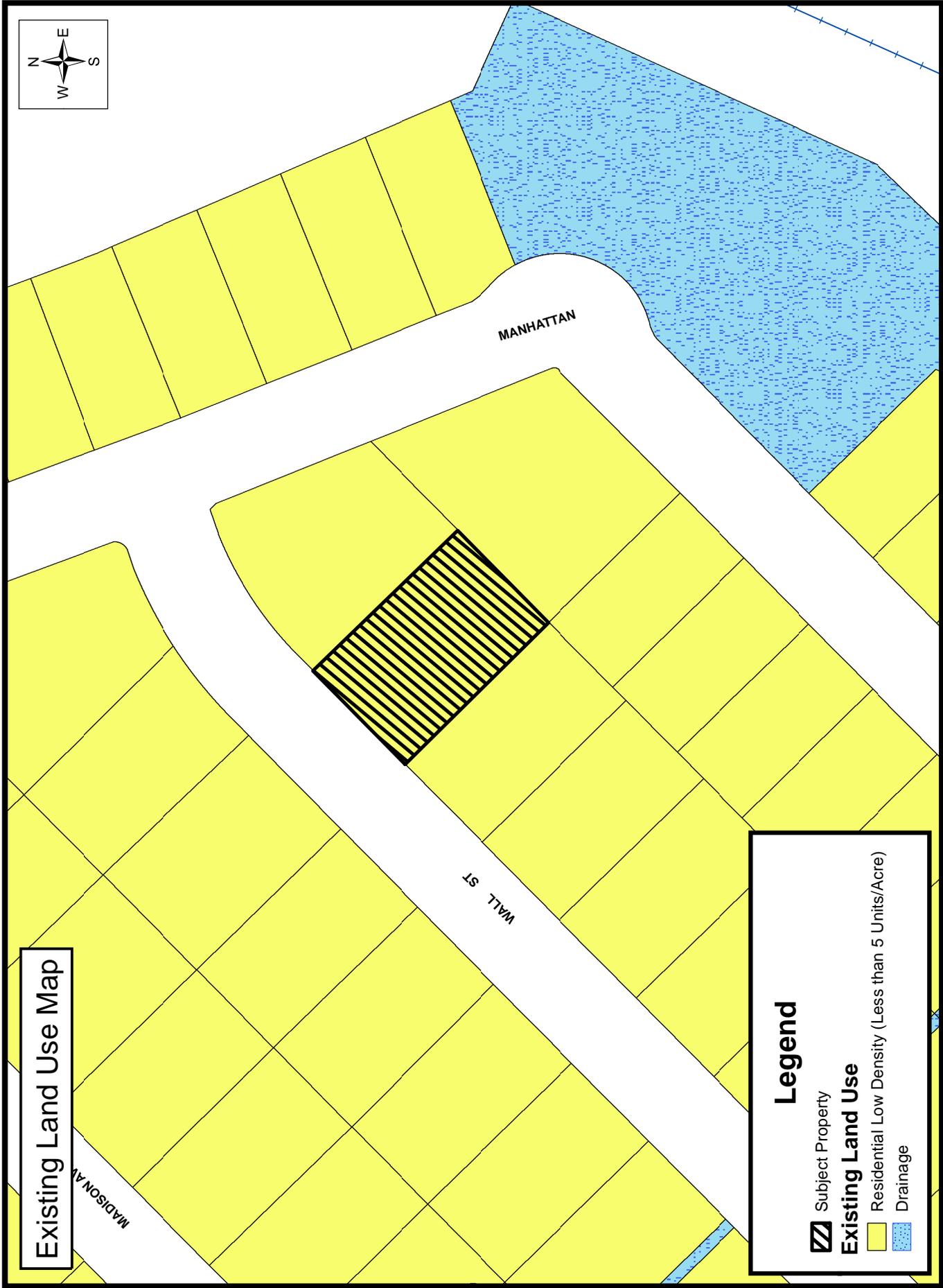
Gerald (Dean) Roberts (830) 837-8685 gdean1225@gmail.com
 Owner's Name (Printed) Phone Number Email

842 Wall St. New Braunfels TX 78132
 Owner's Mailing Address

 Date 11/1/18
 Signature of Owner Date



PZ-18-046
 842 Wall St.
 SUP to Short Term Rentals in R-3/C-1



Existing Land Use Map

Legend

- Subject Property
- Existing Land Use
 - Residential Low Density (Less than 5 Units/Acre)
 - Drainage

PZ-18-046
 842 Wall St.
 SUP to Short Term Rentals in R-3/C-1

EXISTING CENTERS

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 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 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**

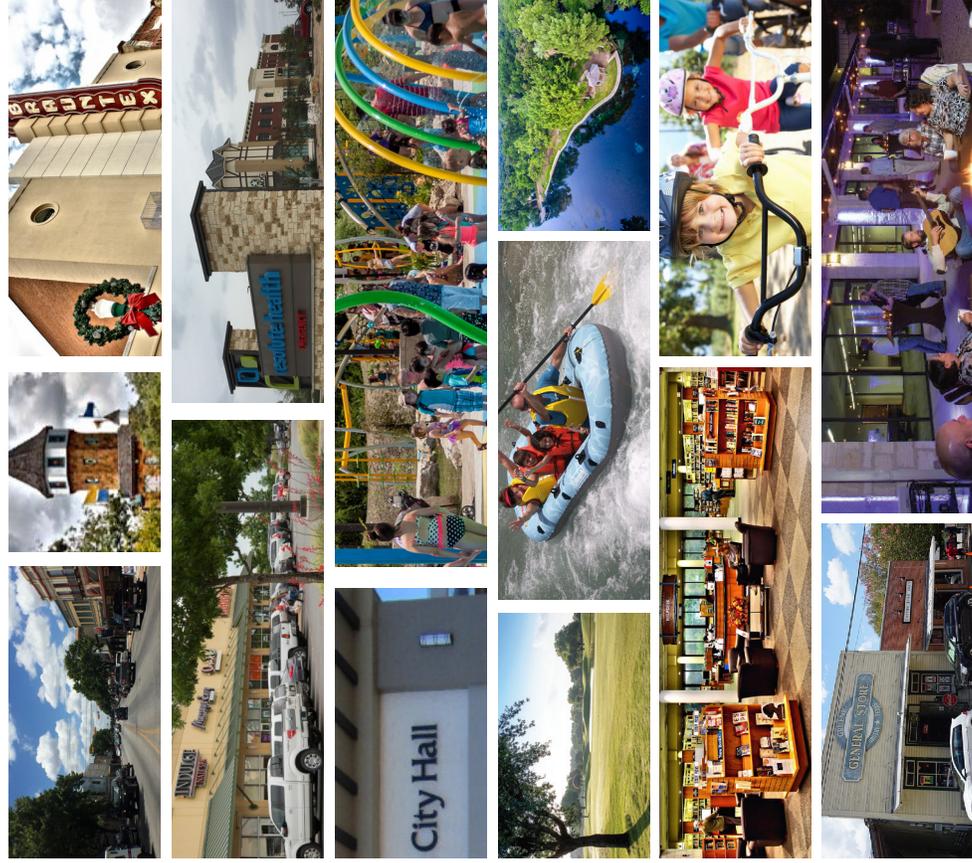
Outdoor Recreation Centers center around a public or private outdoor destination such as Landa Lake.

● **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.



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.

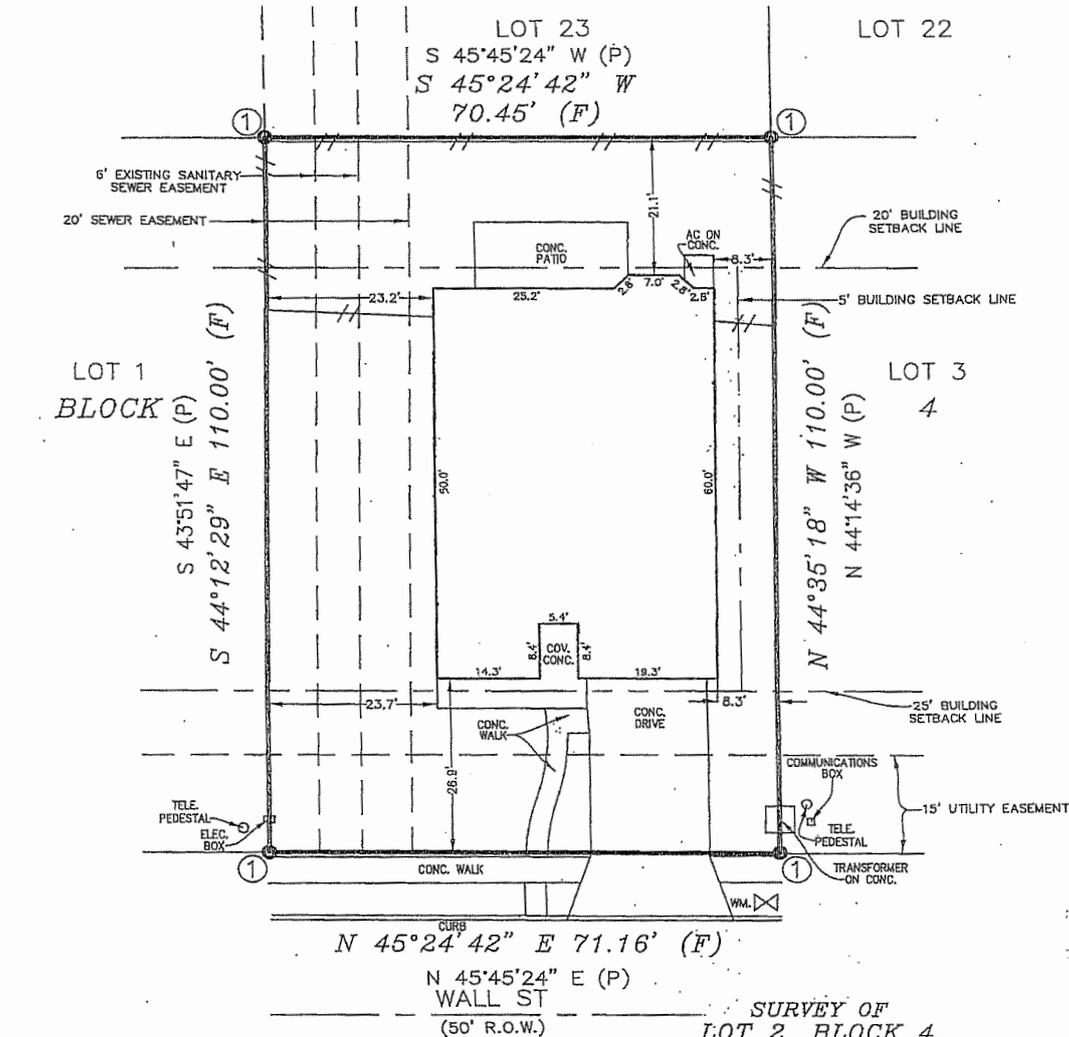
*ALL BEARINGS, DISTANCES AND COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE COORDINATE SYSTEM GRID, SOUTH CENTRAL, ZONE (NAD'83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM.

- LEGEND: (1) = FOUND IRON BAR
 (F) = FIELD BEARING
 (P) = PLAT BEARING
 // = WOOD FENCE
 WM ⊗ = WATER METER
 R.O.W. = RIGHT-OF-WAY
 COV. = COVERED
 CONC. = CONCRETE
 TELE. = TELEPHONE
 ELEC. = ELECTRIC
 CATV = CABLE TELEVISION
 AC = AIR CONDITIONER

THIS SURVEY IS ACKNOWLEDGED AND ACCEPTED BY:

[Signature]

NORTH
 SCALE: 1" = 20'



AREA: 0.179 ACRES
 (7,787 SQUARE FEET)

SURVEY OF
 LOT 2, BLOCK 4,
 BROADWAY ESTATES SUBDIVISION
 PLAT, UNIT-2
 COMAL COUNTY, TEXAS

STATE OF TEXAS
 COUNTY OF COMAL

I, SINCLAIR LAND SURVEYING, INC. HAVE MADE A SURVEY OF THE GROUND OF THE FOREGOING PROPERTY AND CERTIFY THAT THERE ARE NO VISIBLE OR APPARENT ENCROACHMENTS OR ENCROACHMENTS, EXCEPT AS SHOWN ON THIS PLAT.

LEMUEL T. SINCLAIR
 REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 5142

JANUARY 29, 2015

DOCUMENT # 201306025108 MAP AND PLAT RECORDS

G.F. NO.: _____
 BUYER: _____
 ADDRESS: 842 WALL ST
 DRAWN BY: P.C. CREW CHIEF: P.P.

S

SINCLAIR LAND SURVEYING, INC.
 5000 NW INDUSTRIAL
 LEON VALLEY, TEXAS 78238
 210-341-4518
 TBPLS FIRM NO. 10089000
 JOB NUMBER: S-201328181

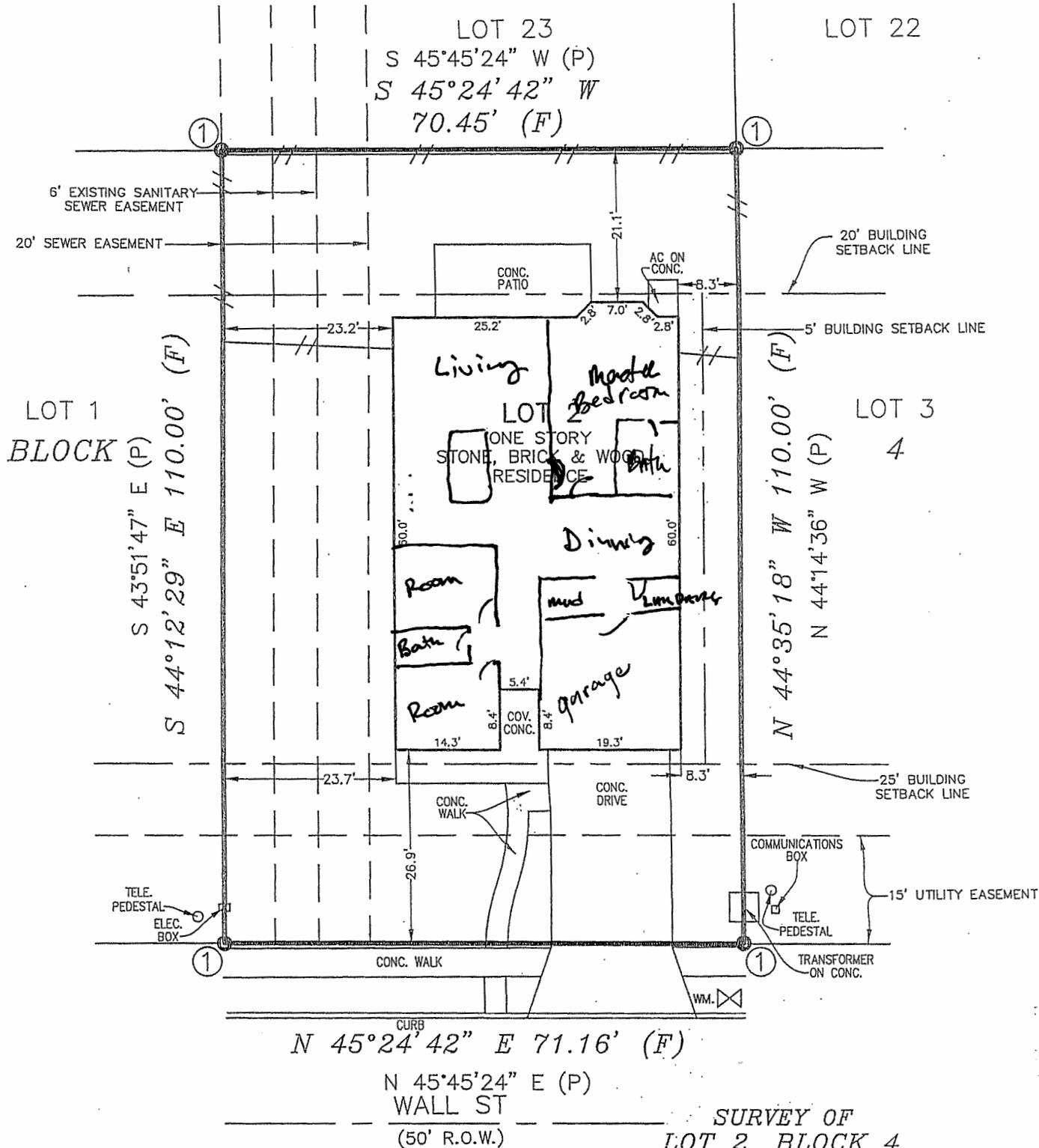
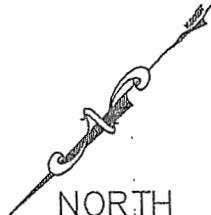
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 - AC = AIR CONDITIONER

THIS SURVEY IS ACKNOWLEDGED AND ACCEPTED BY:

[Handwritten Signature]

NORTH
SCALE: 1" = 20'



AREA: 0.179 ACRES
(7,787 SQUARE FEET)

SURVEY OF
LOT 2, BLOCK 4,
BROADWAY ESTATES SUBDIVISION
PLAT, UNIT-2
COMAL COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF COMAL

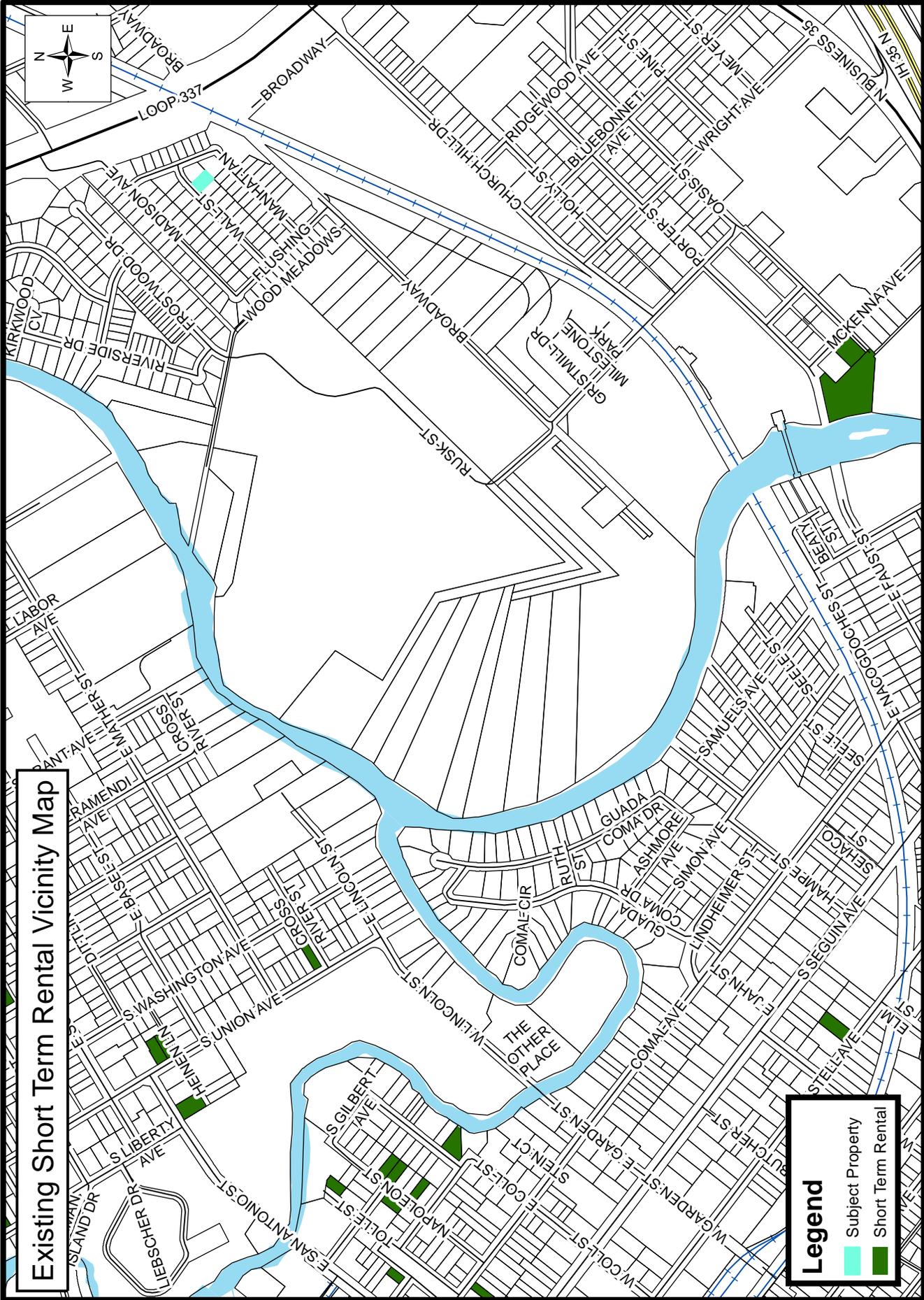
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G.F. NO.: _____
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 ADDRESS: 842 WALL ST
 DRAWN BY: P.C. CREW CHIEF: P.P.



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 5000 NW INDUSTRIAL
 LEON VALLEY, TEXAS 78238
 210-341-4518
 TBPLS FIRM NO. 10089000
 JOB NUMBER: S-201328181



Existing Short Term Rental Vicinity Map

Legend

- Subject Property
- Short Term Rental

PZ-18-046
842 Wall St.
SUP to Short Term Rentals in R-3/C-1



PLANNING COMMISSION – JANUARY 8, 2019 – 6:00PM

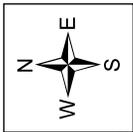
New Braunfels City Hall Council Chambers

Applicant/Owner: Gerald Dean Roberts**Address/Location:** 842 Wall St.**PROPOSED SPECIAL USE PERMIT – CASE #PZ-18-046**

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 | ALLBRIGHT JACQUELYN M | 17 | KOCK BRYCE R & KASEY S |
| 2 | BASWELL RICHARD L & BRENDA D | 18 | MADDALON SUZANNE M & JAMES K FLEMING |
| 3 | BROCK DEANA L | 19 | NASH SUSAN V & MICHAEL D FENLEY |
| 4 | BURRUS JAMELYN MELLISSA | 20 | ORR MICHAEL L & ERLINDA V |
| 5 | CAMARENO JON ANTHONY | 21 | PIPERSBURGH EUGENIA L & LEROY |
| 6 | COURCHESNE THOMAS A & ASHLEY N MURRA | 22 | RIVERMILL CROSSING HOA INC |
| 7 | DOYLE KAREN H & RANDAL G | 23 | SACK WALTER LEN |
| 8 | DUFFY CLARE MARIE | 24 | SCHWAB ROBERT L |
| | EDMONDS ERNIE A & LENORE B NEWTON- | 25 | SHEFFIELD MARIE KIM |
| 9 | EDMONDS | 26 | SIVORI WARREN GLENN |
| 10 | FLYNN MARK & CHERYL | 27 | STEWART DARLA KILGORE |
| 11 | FOSS FRANK E & GAYLE | 28 | TORRES MICHAEL A & MARIA D |
| 12 | GREEN MATTHEW L & SOCORRO | 29 | WALKER KATHLEEN D |
| 13 | GREIVE LESLIE J & KELLY J | 30 | WEBB KIMBERLY J & MICHAEL W DOBBINS |
| 14 | GRIFFIN KADY N & STEVEN T | 31 | WEEKS GAIL & CHRISTOPHER |
| 15 | JAMESERSON DANIELLE B & EDWARD D III | 32 | WILLIAMS JANE FULLER |
| 16 | JOHNSTON CAITLIN H & DREW Y | 33 | WILLIFORD KENNETH L |

SEE MAP



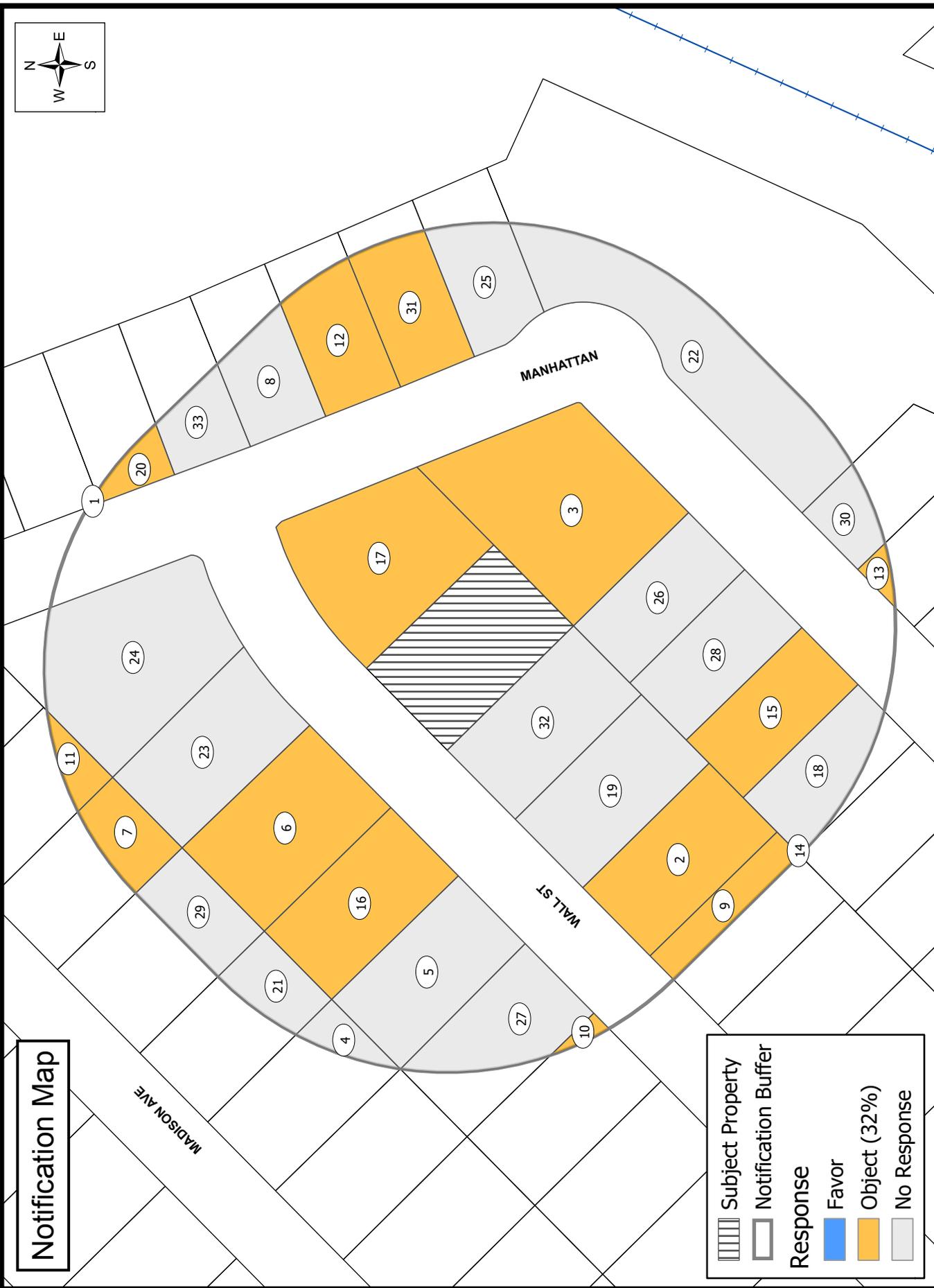
Notification Map

MADISON AVE

MANHATTAN

WALL ST

| | |
|-----------------|---------------------|
| | Subject Property |
| | Notification Buffer |
| Response | |
| | Favor |
| | Object (32%) |
| | No Response |



PZ-18-046
842 Wall St.
SUP to Short Term Rentals in R-3/C-1



Matthew W. Simmont

From: Baswell, Brenda <brenda.baswell@snhu.edu>
Sent: Saturday, January 5, 2019 1:01 PM
To: Matthew W. Simmont
Subject: Case: #PZ-18-046 ms

I Brenda Baswell Live at 830 Wall Street New Braunfels Texas 78130, Property #2 on the map provided.
I strongly object!

There are numerous properties around the city that is available for people to stay in while visiting our fine little city. Rivermill Crossing is a family neighborhood. We value this neighborhood; when we decided to move to New Braunfels it was because of this neighborhood. Had we seen what 842 Wall Street was doing we would have moved else where because we have a family. Last summer there was so much noise on our street and cars parked all over our street, it was unbearable. Please do not allow this to happen to our neighborhood protect our lifestyle.

Thank you
Brenda Baswell
830 Wall Street
New Braunfels TX 78130

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Richard and Brenda Baswell

I favor: _____

Address: 830 Wall St New Braunfels TX 78130

Property number on map: 2

I object: X X

(State reason for objection)

Comments: (Use additional sheets if necessary)

There is plenty of properties in New Braunfels for people to stay while visiting. We moved to this neighborhood, due to the family feel we'd to be close to but not right next to the tourists. They can rent from other places in town.

Signature: *Brenda Baswell*
Brenda Baswell

Matthew W. Simmont

From: De'Ana Brock <dlw350@gmail.com>
Sent: Wednesday, January 2, 2019 9:50 AM
To: Matthew W. Simmont
Subject: #PZ-18-046 ms

To Whom It May Concern,

I am writing in response to a Notice of Public Hearing regarding Lot 2, Block 4, Broadway Estates Unit 2 (842 Wall St.), request for a Special Use Permit allowing short term rentals on the property.

My name is De'Ana Brock. I live at 849 Manhattan. My back yard backs up immediately to the back yard of 842 Wall. Property number on the enclosed map is #3. I object to this request.

This is a very small boutique neighborhood. While I have one of the larger yards, our back fence is only separated by approximately 25 feet to my back door. When someone in this backyard plays music, I can hear it in my kitchen, dining room as well as my bedroom and bathroom- regardless if I want to hear it or not. With STR vacationers in the neighborhood, there will be increased music, movement/activity, traffic and parking concerns. Not that short term renters are bad people, but they will typically be vacationing in our beautiful city. Vacationers have different priorities than home owners.

Despite this, I wanted to be as objective as I could because I too have considered the option of short term rentals. I have taken a considerable amount of time researching the pros and cons of STRs. My conclusion is that while they may benefit the overall economy of the city and offer a variety of rental options for tourists, they do not benefit the neighborhood at all. When people bought homes in this neighborhood, for the most part, they did so with the intent to live there as their HOME. When STRs become apart of a community, you remove "HOME" from the equation. The home owners association has clear expectations about STRs and the property owners agreed to this upon purchasing homes in this neighborhood. Unless that provision is removed, there is really minimal options if any to discuss/consider.

I do not wish to have STRs in my neighborhood.

--

De'Ana Brock, LMSW

1/07/2019

OPPOSITION FOR RE-ZONE PROPERTY 842 WALL STREET

We (Thomas and Ashley Courchesne) have lived at 841 Wall Street (property #6) for nearly 5 years and enjoy our small, 97 home community. Last summer, Mr. Roberts illegally allowed short term rental use at 842 Wall Street. We witnessed speeding through our neighborhood, 5-6 cars parking in the driveway and along the street, renters entering backyards of home owners without permission, and multiple parties resulting in neighborhood disturbance. I believe there is a place for short term rental properties, however our small, quaint neighborhood is not one of them. We are in strong opposition of the re-zoning of property 842 Wall Street and appreciate our opinion being taken into consideration.

Sincerely,

Thomas
Ashley

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Thomas & Ashley Courchesne

I favor: _____

Address: 841 Wall St

Property number on map: # 10

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

See attached

Signature: *Thomas*

Ashley

Case: #PZ-18-046 ms

Name: Randel + Karen Doyle

I favor: _____

Address: 846 Madison Ave.

I object: X

Property number on map: #7

(State reason for objection)

Comments: (Use additional sheets if necessary)

This is a quiet residential area for long term residents. Our HOA already supports this.

Signature: *Karen H. Doyle*
Randel G. Doyle

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-048.mg

Name: Ernie A. Edmonds
Lenore B. Neuber Edmonds
Address: 826 Wall St NB. 78750
Property number on map: 9

I favor: _____

I object Ernie Edmonds
(State reason for objection)

Comments: (Use additional sheets if necessary)

Signature: Ernie B. Neuber Edmonds

RECEIVED
DEC 31 2018
BY: _____

This is our protest to this action. We are a small community who are well known to each other and feel safe living here. The resident at 842 Wall has been doing STR illegally for over a year until he was reported. We got tired of 3-5 cars parked on street and loud music every weekend It was rented. Our small , mostly Owner occupied homes in our. community do not feel safe any longerwith strangers here and our houses too close together for this type of zoning. We moved here to live , NOT for it to be turned into a resort type community.

ERNIE AND LENORE Edmonds. 826 Wall st

Matthew W. Simmont

From: Cheryl Hatfield <saharades61@yahoo.com>
Sent: Thursday, January 3, 2019 12:59 PM
To: Matthew W. Simmont
Subject: 842 Wall St.

Mr. Simmont,

I am emailing you regarding 842 Wall Street wanting to do short term rentals. My husband Mark and I (Cheryl) are opposed to having short term rentals in the neighborhood. It is against HOA rules, it decreases the value of the property in our neighborhood, and we are concerned about the safety of the children in the neighborhood.

We are located in section 10 on the map that was sent to us.

Cheryl and Mark Flynn
825 Wall Street

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Cheryl + Mark Flynn

Address: 825 Wall St.

Property number on map: 10

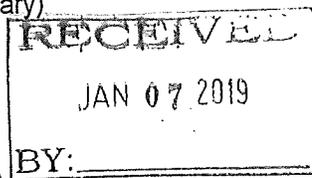
Comments: (Use additional sheets if necessary)

I favor: _____

I object: X It will bring

(State reason for objection)
down property value
and this is a family
neighborhood w/ lots
of children.

Signature: Cheryl Flynn



YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: FRANK FOSS + GAYLE FOSS

Address: 850 MADISON AVE

Property number on map: 11

Comments: (Use additional sheets if necessary)

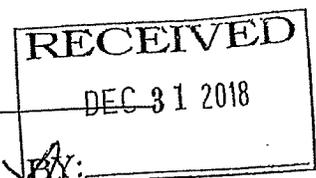
I favor: _____

I object: X
(State reason for objection)

Bring in transient guests
is inconsistent with the neighborhood

Signature: FRANK FOSS

Gayle D Foss



YOUR OPINION MATTERS - DETACH AND RETURN

REC
JAN 03 2019
BY: _____

Case: #PZ-18-046 ms

Name: Matt. Sozorro Green

Address: 870 Manhattan

Property number on map: 12

I favor: _____

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

Not interested in having short term rental in neighborhood. Want our neighborhood to remain home owners dedicated to proper property / upkeep maintaining property values

Signature: Matt Green

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Ceslie & Keely J Brewer

Address: WBTX 838 Manhattan

Property number on map: 13

I favor: _____

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

NO MO. to MO. •

Yearly OK

Signature: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Edward & Bre Jamerson

Address: 837 Manhattan

Property number on map: 15

I favor: _____

I object: _____

(State reason for objection)

Comments: (Use additional sheets if necessary)

We are a small community with many families that have small children. Short-term rentals attract ~~an~~ an unfavorable type of crowd when considering the type of neighborhood we are. My family feels it is unsafe and irresponsible to allow short-term rentals.

Signature: _____

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Caitun P Drew Johnston

Address: 837 Wall Street

Property number on map: 10

Comments: (Use additional sheets if necessary)

Signature: Caitun Johnston

I favor: _____

I object:

(State reason for objection)

Not cohesive with the rest of the neighborhood, disrupts the enjoyment of the neighborhood

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: Bryce + Kasey Kock

Address: 846 Wall Street

Property number on map: 17

Comments: (Use additional sheets if necessary)

Signature: Kasey Kock

Purchased home with idea that HOA would block such

I favor: _____

I object:

(State reason for objection)

Not interested in additional parking/ share guests in our residential neighborhood - Do not want loud neighbors, additional traffic, etc - Bought our house for traditional neighborhood - not vacation rental possibilities

YOUR OPINION MATTERS - DETACH AND RETURN

Case: #PZ-18-046 ms

Name: MICHAEL L. ORR

Address: 882 MANHATTAN

Property number on map: 20

Comments: (Use additional sheets if necessary)

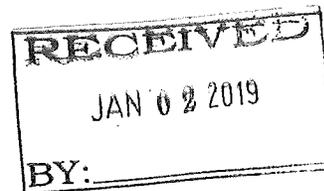
SEE ATTACHED.

Signature: [Signature]

I favor: _____

I object:

(State reason for objection)



12/31/2018

Re: Case # PZ-18-046ms

Dear Mr. Simmont,

We would like to object the application for the property @ 842 Wall St to become a Short-Term Rental.

We live in a small neighborhood (97 homes) and the prospect of a revolving door of strangers is very concerning to us. We live within a few hundred feet of the property and we are very afraid of what may happen at the property

Strangers have no concerns for the neighborhood or the people that live and work in the neighborhood.

Also, it has been shown that Short Term Rental have a very negative impact on the neighborhood.

I found the following on a few websites.

3 reasons Short Term Rental are Not good for a Neighborhood.

1. Short-term rentals disrupt residential neighborhoods and buildings
2. Short-term rentals lower property values
3. Short-term rentals lead to a decrease in long-term housing.

Thank you in advance,



Michael Orr & Erlinda Orr

882 Manhattan

#20

YOUR OPINION MATTERS² DETACH AND RETURN

Case: #PZ-18-046 ms

Name: CHRISTOPHER WEEKS

I favor: _____

Address: 660 MANHATTAN

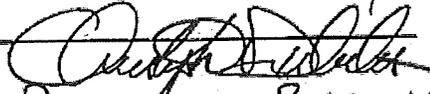
Property number on map: 31

I object: X

(State reason for objection)

Comments: (Use additional sheets if necessary)

SHORT-TERM RENTAL OF THIS PROPERTY WOULD BE IN VIOLATION OF SUBSECTION 3.05 OF THE RIVERMILL CROSSING DCCRS. PLEASE SEE ATTACHED COPY FOR YOUR REVIEW AND CONSIDERATION OF THE

Signature: 

PERMIT APPLICANT'S REQUEST.

PRESIDENT - RIVERMILL CROSSING H.O.A.

3.04 Minimum Square Footage and Frontage. The minimum square footage for each residence, exclusive of open or screened porches, terraces, patios, decks, driveways, and garages, shall be eight hundred (800) square feet for single story residences and eight hundred (800) square feet for two-story residences, unless specifically approved in advance by the ACC. The first floor of any two-story residences shall contain at least three hundred (300) square of total living area. Every residence erected on a Lot shall front or present a good frontage on the street upon which said Lot fronts as determined in the sole and absolute discretion of the ACC. Residences constructed on corner Lots shall have a presentable frontage on all streets on which the particular corner Lot abuts.

3.05 Rentals. Nothing in this Declaration shall prevent the rental of any Lot and the Improvements thereon by the Owner thereof for residential purposes; provided, however, that all rentals must be for terms of at least twelve (12) months. All leases shall be in writing. The Owner must provide to its lessee copies of the Restrictions. Notice of any lease, together with such additional information as may be required by the Board, will be remitted to the Association by the Owner on or before the expiration of ten (10) days after the effective date of the lease.

3.06 Garages. Each residence constructed upon a Lot shall have a private garage for not less than two (2) automobiles. The location, orientation and opening of each garage to be located on a Lot shall be approved in advance of construction by the ACC. All garages shall be maintained for the parking of automobiles and storage, and no garage may be permanently enclosed or otherwise used for habitation.

3.07 Windows. All windows on each residence shall have a consistent design throughout the residence and shall comply with any other applicable requirements that may be set forth in the Design Guidelines.

3.08 Fences; Sidewalks. All fences and walls shall comply with all applicable governmental ordinances. Unless otherwise approved by the ACC, no fence, wall or hedge will be erected or maintained on any Lot nearer to the street than the front elevation of the residence constructed on the Lot, except for fences erected in conjunction with the model homes or sales offices. The ACC will have the sole discretion to determine the front elevation of the residence for the purpose of this Section 3.08. Fences constructed on corner lots may be installed five (5) feet from the sidewalk and/or curb along the side yard adjacent to the street provided that such fencing complies with applicable governmental ordinances. Unless otherwise approved by the ACC, all perimeter fences and other fences visible from a street, will be constructed of masonry, cedar, spruce, or other such materials as may be approved from time to time by the ACC. All such fences will be six (6) feet in height unless otherwise approved by the ACC. No chain-link, metal cloth or agricultural fences may be installed or maintained on the Lot.

Notwithstanding the foregoing, the ACC is empowered to waive the aforesaid fence limitations in connection with retaining walls and decorative walls if, in its sole discretion, such waiver is advisable in order to accommodate a unique, attractive or advanced building concept

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Outside Notification Area

Matthew W. Simmont

From: Burel Schulz <bcschu@yahoo.com>
Sent: Tuesday, January 8, 2019 1:54 PM
To: Matthew W. Simmont
Subject: Special Use Permit- Case #PZ-18-046 (843 Wall Street located in Rivermill Crossin Subdivision)

Mr. Simmont:

I own and reside in a home at 826 Manhattan in Rivermill Crossing, and oppose the request for rezoning by the owner of the residence at 842 Wall Street. The neighborhood is not conducive to short-term rentals due to ingress and egress issues and limited parking. HOA rules already oppose short-term rentals, and it is my hope that you will also oppose this request.

Thank you for your time and consideration, Burel Schulz

Texas law requires all real estate licensees to provide the following consumer information:
[Texas Real Estate Commission Consumer Protection Notice](#)
[Information About Brokerage Services](#)

The Walker Group - Keller Williams Heritage
453 W. San Antonio Street - New Braunfels TX 78130
www.thewalkergroup-kw.com
210-410-4023 - office

Burel Schulz, MPA, MBA, REALTOR® - License # 636055: 210.262.7054

Matthew W. Simmont

From: Hannah Adams <hhenzen@gmail.com>
Sent: Tuesday, January 8, 2019 10:11 AM
To: Matthew W. Simmont
Subject: Opposition to the re-zoning of 842 Wall Street

Dear Mr. Simmont,

I am writing to voice my concerns and opposition to the re-zoning of 842 Wall Street in the Rivermill Crossing neighborhood to allow for Short Term Rentals.

Short Term Rental reclassification would mean an increase in the number of unknown visitors to our neighborhood who are not part of our neighborhood community. These visitors will not have the same respect, ownership, and sense of community for the property that long term renters and homeowners have.

This reclassification also has the potential to affect the amount of traffic throughout our neighborhood. Our neighborhood has already expressed concern for traffic flow and the rate of speed at which people travel down our streets. Allowing short term rentals would bring people unfamiliar and/or uncaring of these concerns to our community. We are already cautious with allowing our child and pets in the front yard and have had several near miss incidents occur. I fear that these types of situations will increase as people unfamiliar try to navigate our community especially after spending time out drinking at one of the many festivals our city hosts each year.

Though we are not one of the homes who received the notice of this potential change, we are part of the neighborhood community and do not want short term rentals in our neighborhood. We will be unable to attend the various city meetings regarding this issue and I wanted to ensure our voice is heard on this matter.

Thank you for your time and consideration of this email on behalf of the residents at 865 Madison Avenue in the Rivermill Crossing Subdivision.

--

Hannah Adams
hhenzen@gmail.com

"A positive attitude may not solve all your problems,
but it will annoy enough people to make it worth the effort."
-Herm Albright-

Matthew W. Simmont

From: Julie Vega <vegajulie58@yahoo.com>
Sent: Tuesday, January 8, 2019 9:48 AM
To: Matthew W. Simmont
Subject: Rivermill Crossing Subdivision/ Short Term Rentals

Good morning, Mr. Simmons,

I appreciate your time and consideration of this email on behalf of the residents (3) at (address provided) in the Rivermill Crossing Subdivision. Our family is opposed to the reclassification of 842 Wall Street to allow for Short Term Rentals as agreed to in our annual HOA renewal. This would be a detriment to our peaceful small neighborhood. Short Term Rental reclassification would mean we wouldn't know the individuals renting from time to time and I would not feel that my child is safe in our neighborhood. We also know that short term rental implies that the individuals renting this home would be visitors to New Braunfels with the emphasis on partying and playing – all of this is fine but is not the appropriate use of a home within a small neighborhood like Rivermill Crossing. The individuals at 842 Wall Street pay into our HOA (I assume that they are not truant on these payments) which bans this sort of reclassification and they agreed to this when they purchased their home. Even though the city, apparently, is able to override this paid-for agreement, our neighborhood, holistically, does not agree to this change.

Though we are not one of the homes who received the notice of this potential change, we are part of the neighborhood community group and do not want short term rentals in our neighborhood as agreed to when we bought the house under the current HOA. We will be unable to attend the various city meetings regarding this issue and I wanted to ensure our voice is heard on this matter.

We have been here 6 years & still unable to get a SAFE entrance into our subdivision off Loop 337 across Bible Study go figure!!! Seems we keep getting the runaround...

Again, thank you for your time and consideration and please let me know if you have any additional questions regarding this matter you can reach me at 830 703-9930..

Julie & Arthur Vega
241 Flushing
New Braunfels TX 78130

Matthew W. Simmont

From: Sarbu, Bridget <bridget.sarbu@txstate.edu>
Sent: Tuesday, January 8, 2019 8:26 AM
To: Matthew W. Simmont
Subject: Short Term Rental Proposal for 842 Wall Street

Importance: High

Good morning, Mr. Simmons,

I appreciate your time and consideration of this email on behalf of the residents (3) at 253 Flushing in the Rivermill Crossing Subdivision. Our family is opposed to the reclassification of 842 Wall Street to allow for Short Term Rentals as agreed to in our annual HOA renewal. This would be a detriment to our peaceful small neighborhood. Short Term Rental reclassification would mean we wouldn't know the individuals renting from time to time and I would not feel that my child is safe in our neighborhood. We also know that short term rental implies that the individuals renting this home would be visitors to New Braunfels with the emphasis on partying and playing – all of this is fine but is *not* the appropriate use of a home within a small neighborhood like Rivermill Crossing. The individuals at 842 Wall Street pay into our HOA (I assume that they are not truant on these payments) which bans this sort of reclassification and they agreed to this when they purchased their home. Even though the city, apparently, is able to override this paid-for agreement, our neighborhood, holistically, does *not* agree to this change.

Though we are not one of the homes who received the notice of this potential change, we are part of the neighborhood community group and do not want short term rentals in our neighborhood as agreed to when we bought the house under the current HOA. We will be unable to attend the various city meetings regarding this issue and I wanted to ensure our voice is heard on this matter.

Again, thank you for your time and consideration and please let me know if you have any additional questions regarding this matter.

Best Regards,

Bridget Sarbu
Customer Care Coordinator

Texas State University – Career Services
512.245.7804
www.careerservices.txstate.edu

Matthew W. Simmont

From: Chad Schulz <chad@bchtexas.com>
Sent: Tuesday, January 8, 2019 9:16 AM
To: Matthew W. Simmont
Subject: Special Use Permit - Case #PZ-18-046 (842 Wall Street in the Rivermill Crossing Subdivision)

Good morning Mr. Simmont,

I am writing you this morning as a homeowner of the home at 854 Madison Avenue in the Rivermill Crossing Subdivision. I am strongly against the reclassification case for the home at 842 Wall Street. I believe I speak for most of my neighbors when I say that it will not only lower property values but will also be a nuisance for the neighborhood. Some neighbors have already voiced their frustrations due to loud parties late into the night and lack of parking around their homes due to people renting 842 Wall Street for weekend and short term use. Another point of contention is that short term rentals are not allowed by the HOA DCCRs for Rivermill Crossing.

Since I will be unable to attend the meeting this evening please accept this email as my opposition vote for this case.

Thank you for your time and consideration.

Regards,

Chad Schulz

Division President
Buttrum Construction
Custom Homes Division
8210 IH 35 North, Ste #1 - New Braunfels, TX 78130
Office: (830) 624-7030 Cell: (210) 901-3031
Web: bchtexas.com



Matthew W. Simmont

From: Clint Moore <Clint.Moore@rackspace.com>
Sent: Monday, January 7, 2019 3:40 PM
To: Matthew W. Simmont
Subject: Re-zoning 842 Wall Street

Hi Matthew,

I object to the re-zoning of 842 Wall Street.

Thanks,

CM

Clint Moore
409-963-6388
805 Madison Ave
New Braunfels TX 78130



Subject Property from Wall St. facing southeast

3.3-3. "R-3" multifamily district. The following regulations shall apply in all "R-3" 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)
- Boardinghouse/lodging house
- Community home (see definition)
- Duplex/two-family/duplex condominiums
- Family home adult care
- Family home child care
- Home Occupation (see Sec. 5.5)
- Hospice
- Multifamily (apartments/condominiums)
- One family dwelling, detached
- Rental or occupancy for less than one month (see Sec. 5.17)
- Single family or two-family industrialized home (see Sec. 5.8)

Non-residential uses:

- Adult daycare (with overnight stay)
- Assisted living facility/retirement home
- Barns and farm equipment storage (related to agricultural uses)
- Cemetery and/or mausoleum
- Church/place of religious assembly
- Community building (associated with residential uses)
- Contractor's temporary on-site construction office (only with permit from Building Official; see Sec. 5.10)
- Country club (private)
- Electrical substation
- 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)
- Fraternal organization/civic club (private club)
- Golf course, public or private
- Governmental building or use with no outside storage
- Museum
- Nursing / convalescent Home / sanitarium
- Park and/or playground (public or private)
- Plant nursery (growing for commercial purposes but no retail sales on site)
- Public recreation/services building for public park/playground areas
- Recreation buildings (private or public)
- Retirement home / home for the aged - public
- School, K-12 (public or private)
- Telephone exchange buildings (office only)
- University or college (public or private)

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

(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) One family dwellings.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *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.

(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.* 20 feet.

(vi) *Width of lot.* Interior lots 60 feet. Corner lots 70 feet. 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 per family.* Every single-family dwelling hereafter erected or altered shall provide a lot area of not less than 6,600 square feet per dwelling for interior lots, and 7,000 square feet per dwelling for corner lots, provided that where a lot has less area 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. Where 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.

(2) Duplexes.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(iii) *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.

(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.* 20 feet.

(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 per family.* 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 not prohibit the erection of a one-family residence, but 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 Section 5.1 for other permitted uses' parking.

(3) Multifamily dwellings.

(i) *Height.* 45 feet, 60 feet when a pitched roof is used (minimum 4:12 pitch)

(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)

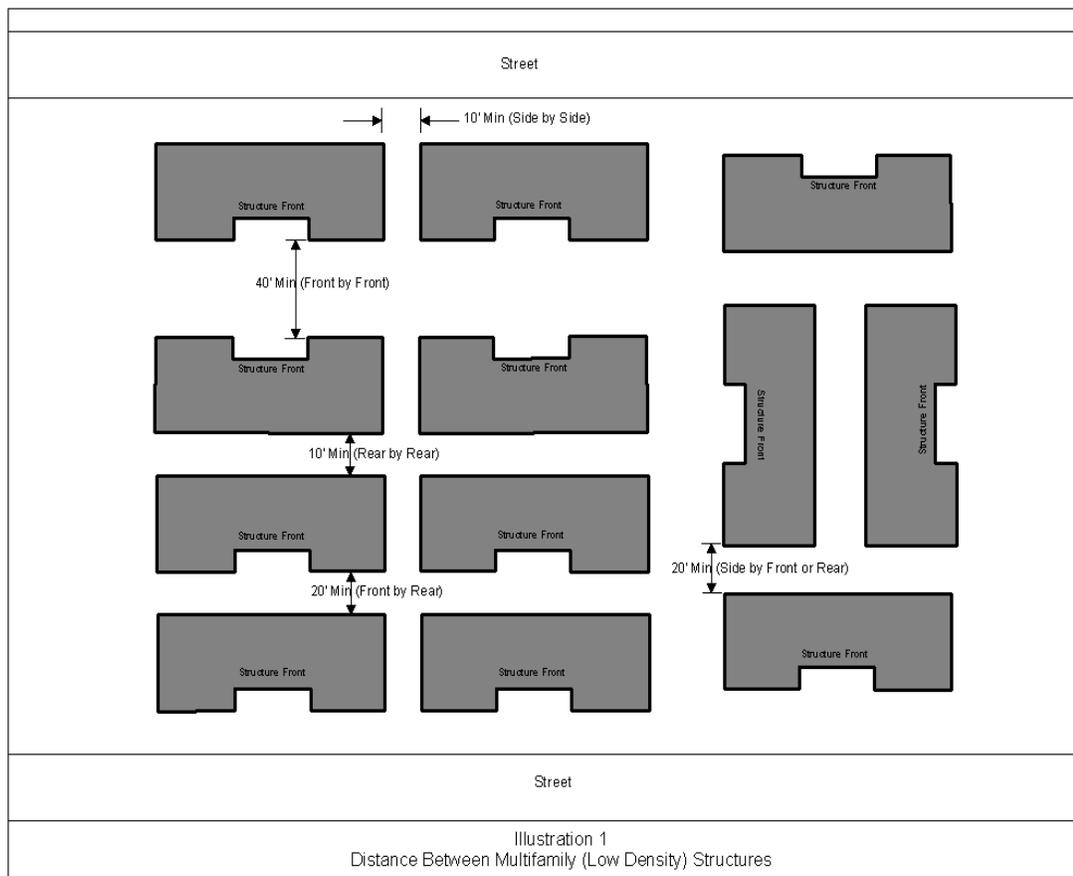
(vi) *Residential setback.* Effective November 8, 2006, where a multifamily dwelling abuts a one or two family use or zoning district, the setback from the one or two family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.

(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.* 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)



(x) *Lot depth.* 100 feet.

(xi) *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.)

(1) Non-Residential Uses.

(i) *Height.* 45 feet.

(ii) *Front building setback.* 25 feet.

(iii) *Side building setback.* There shall be a side building setback on each side of a building not less than five feet in width. Where any building abuts a property with a one or two family use, 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.

(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)

(vi) *Rear building setback.* 20 feet.

(vii) *Width of lot.* 60 feet.

(viii) *Lot depth.* 100 feet.

(ix) *Parking.* See Section 5.1 for permitted uses' parking.

3.3-7. "C-1" local business district. The following regulations shall apply in all "C-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)
- Assisted living facility/retirement home
- Boardinghouse/lodging house
- Community home (see definition)
- Duplex / two-family / duplex condominiums
- Family home adult care
- Family home child care
- 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 or two family industrialized home (see Sec. 5.8)

Non-residential uses:

- Accounting, auditing, bookkeeping, and tax preparations
- Adult day care (no overnight stay)
- Adult day care with overnight stay
- Ambulance service (private)
- Animal grooming shop
- Answering and message services
- Antique shop
- Appliance repair
- Armed services recruiting center
- Art dealer / gallery
- Artist or artisan's studio
- Automobile driving school (including defensive driving)
- Bakery (retail)
- Bank, savings and loan, or credit union
- Bar/Tavern (No outdoor music)
- 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
- Book binding
- Book store
- Cafeteria / café / delicatessen
- Campers' supplies
- Cemetery and/or mausoleum
- Check cashing service
- Child day care/children's nursery (business)
- Church/place of religious assembly
- Cleaning, pressing and dyeing (non-explosive fluids used)
- Clinic (dental)
- Clinic (medical)

Clinic (emergency care)
Club (private)
Coffee shop
Communication equipment (installation and/or repair)
Community building (associated with residential uses)
Computer and electronic sales
Computer repair
Consignment shop
Contractor's temporary on-site construction office (with permit from Building Official; Sec. 5.10)
Convenience store with or without fuel sales
Country club (private)
Credit agency
Curio shops
Custom work shops
Day camp
Department store
Drapery shop / blind shop
Drug sales/pharmacy
Electrical repair shop
Electrical substation
Exterminator service
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)
Filling station (fuel tanks must be below the ground)
Florist
Food or grocery store with or without fuel sales
Fraternal organization/civic club (private club)
Frozen food storage for individual or family use
Funeral home/mortuary
Furniture sales (indoor)
Garden shops and greenhouses
Golf course (miniature)
Golf course, public or private
Governmental building or use with no outside storage
Greenhouse (commercial)
Handicraft shop
Hardware store
Health club (physical fitness; indoors only)
Hospice
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)
Kiosk (providing a retail service)
Laundromat and laundry pickup stations
Laundry/dry cleaning (drop off/pick up)
Laundry/washateria (self serve)
Lawnmower sales and/or repair
Locksmith
Martial arts school
Medical supplies and equipment
Mini-warehouse/self storage units (no boat / RV storage permitted; no outside storage)
Motion picture studio, commercial film
Motion picture theater (indoors)

Museum
 Needlework shop
 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
 Park and/or playground (public or private)
 Parking lots (for passenger car only) (not as incidental to the main use)
 Pawn shop
 Pet shop / supplies (10,000 sq. ft. or less)
 Photographic printing/duplicating/copy shop or printing shop
 Photographic studio (no sale of cameras or supplies)
 Photographic supply
 Plant nursery (growing for commercial purposes with retail sales on site)
 Plant nursery (retail sales / outdoor storage)
 Plumbing shop
 Public recreation/services building for public park/playground areas
 Radio/television shop, electronics, computer repair
 Recreation buildings (public)
 Refreshment/beverage stand
 Restaurant/prepared food sales
 Restaurant with drive through service
 Retail store and shopping center with drive through service (50,000 sq. ft. bldg. or less)
 Retirement home/home for the aged
 School, K-12 (public or private)
 School, vocational (business/commercial trade)
 Security monitoring company
 Shoe repair shops
 Studios (art, dance, music, drama, reducing, photo, interior decorating, etc.)
 Studio for radio or television (without tower)
 Tailor shop (see home occupation)
 Telecommunications towers/antennas (see Sec. 5.7)
 Telemarketing agency
 Telephone exchange buildings (office only)
 Theater (non-motion picture; live drama)
 Tool rental
 Travel agency
 University or college (public or private)
 Upholstery shop (non-auto)
 Vacuum cleaner sales and repair
 Video rental / sales
 Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system
 Woodworking shop (ornamental)

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

(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 uses.

(i) *Height.* 35 feet.

(ii) *Front building setback.* 25 feet.

(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.

(iv) *Rear building setback.* 20 feet.

(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.

(vi) *Width of lot.* The minimum width of a lot shall be 40 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.

(vii) *Corner lots.* A minimum 25-foot front yard 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.

(viii) *Parking.* See Section 5.1. for permitted uses parking.

(2) One family dwellings.

(i) *Height.* 35 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.* 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.* 35 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.

(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 Section 5.1 for other permitted uses' parking.

(4) Multifamily dwellings.

(i) *Height.* 35 feet; 50 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)
- (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.)

See Section 5.1 for other permitted uses' parking.

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 development-generated 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-O, 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 guest(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 complete 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.

PZ-18-039 Public hearing and recommendation to City Council regarding the proposed rezoning of 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from “R-2” Single and Two-family District to “C-O” Commercial Office District.

(Applicant: T. Savell; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval.

Chair Edwards invited the applicant to speak.

Mike Savell, 1193 Gruene Road, stated he was the applicant. He explained the purpose of the rezoning was to eventually operate a short-term rental at the property to offset the cost of property taxes. He stated he does not intend to use the property for anything other than short-term rental.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

No one spoke.

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

Motion by Commissioner Laskowski, seconded by Commissioner Nolte, to recommend approval to City Council regarding the proposed rezoning of 1.795 acres out of the AP Fuquay Survey 35 A-15, addressed at 1193 Gruene Road, from “R-2” Single and Two-family District to “C-O” Commercial Office District. Motion carried (8-0-0).

PZ-18-046 Public hearing and recommendation to City Council regarding the proposed rezoning of Lot 2, Block 4 Broadway Estates Unit 2, to apply a Special Use Permit to allow the short-term rental of a single-family residence in the “C-1” Local Business District and the “R-3” Multifamily District, addressed at 842 Wall Street.

(Applicant: Gerald Dean Roberts; Case Manager: M. Simmont)

Mr. Simmont presented the Staff report and recommended denial.

Chair Edwards invited the applicant to speak.

Dean Roberts, 842 Wall Street, stated he was the applicant. He stated he had not been aware of the City's short-term rental regulations and he removed his listing once he was aware the rental property was in violation. He stated no more than three cars were present on the property at a time.

Commissioner Meyer stated one response received indicated the subject property's HOA prohibits short-term rentals through its DCCR. He asked the applicant if he had received a copy of the DCCR and was aware of the restriction.

Mr. Roberts stated he likely received a copy of the DCCR but was not aware of the restriction.

Chair Edwards asked Mr. Roberts if he had paid a Hotel Occupancy Tax.

Mr. Roberts stated no.

Chair Edwards asked if anyone wished to speak in favor.

No one spoke.

Chair Edwards asked if anyone wished to speak in opposition.

Chris Weeks, 866 Manhattan, represented as property number 31 on the notice of public hearing, stated he was the president of the homeowner's association and wished to speak in opposition. He said the subdivision's DCCR stipulates no rental of a property may occur for less than one year. He further stated he believes a short-term rental would be inappropriate in the neighborhood.

Discussion followed regarding the DCCR.

Caitlin Johnston, 837 Wall Street, represented as property number 16 on the notice of public hearing, wished to speak in opposition. She stated the success of a short-term rental property is dependent on its surrounding environment and she believes a rental at this property would not be productive for the neighborhood nor the renters. She further stated the owner's lack of due diligence shows he will not take management of the short-term rental seriously.

Jason Roberts, 361 Fallen Oak, wished to speak on behalf of the applicant. He stated the applicant was trying to find the means for supplemental income and did not intend to violate the law. He stated residential rental properties have been around for a long time and it's the oversight over them that is new.

Discussion followed.

Lenore Edmonds, 826 Wall Street, represented as property number 9 on the notice of public hearing, wished to speak in opposition. She stated she has seen many cars parked at the subject property at a time and had concerns regarding loud music and disruptions.

Joselyn Flynn, 825 Wall Street, represented as property number 10 on the notice of public hearing, wished to speak in opposition. She stated there are many small children that play outside in the neighborhood and she was concerned with their safety due to renters speeding through the streets.

Karen Doyle, 846 Madison Avenue, represented as property number 7 on the notice of public hearing, wished to speak in opposition. She stated she believes a short-term rental is not an appropriate use in the neighborhood.

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

Motion by Commissioner Laskowski, seconded by Commissioner Sonier, to recommend denial to City Council regarding the proposed rezoning of Lot 2, Block 4 Broadway Estates Unit 2, to apply a Special Use Permit to allow the short-term rental of a single-family residence in the "C-1" Local Business District and the "R-3" Multifamily District, addressed at 842 Wall Street. Motion carried (8-0-0).

PL-18-069 Public hearing and consideration of the replat of Lot 1, Block 6, Town Creek Subdivision Phase 1, establishing Lots 1R-1 through 1R-3.

(Applicant: Comal Creek Retail, LLC; Case Manager: H. Mullins)

Mrs. Mullins presented the Staff report and recommended approval with the following requirements:

1. Addition of the access easement on Lot 1R-3.
2. Payment of park fees, if applicable.

Vice Chair Reaves inquired if the alley access to Lot 3 will meet full access requirements.

Mrs. Mullins stated yes, the alley access will meet the requirements of the fire and solid waste departments.

Discussion followed.

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW SHORT TERM RENTAL OF A SINGLE FAMILY DWELLING IN THE "C-1" LOCAL BUSINESS DISTRICT AND "R-3" MULTIFAMILY, ON LOT 2, BLOCK 4, BROADWAY ESTATES UNIT 2, ADDRESSED AT 842 WALL 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 1 Special Use Permit for Lot 2, Block 4, Broadway Estates Unit 2, addressed at 842 Wall Street, to allow the short term rental of a single family dwelling; **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 2, Block 4, Broadway Estates Unit 2, addressed at 842 Wall Street, as delineated in the attached Exhibit 'A', to allow the short term rental of a single family dwelling in the "C-1" Local Business District and "R-3" Multifamily District."

SECTION 2

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

- 1. The existing residential character of the property must be maintained.

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 January, 2019.

PASSED AND APPROVED: Second Reading this the 11th day of February, 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

1/28/2019

Agenda Item No. G)

Presenter/Contact

Robert Camareno, City Manager
rcamareno@nbtexas.org

SUBJECT:

Discuss and consider possible action regarding the 2019 Bond Election projects.



City Council Agenda Item Report

550 Landa Street
New Braunfels, TX

1/28/2019

Agenda Item No. 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

