

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW DUPLEXES ON APPROXIMATELY 5 ACRES OUT OF THE O RUSSELL SURVEY-2, ABSTRACT 485, ADDRESSED AT 2841 GOODWIN LANE; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, the property is located in an area suitable for low-density residential use; and

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

WHEREAS, the City Council desires to grant a Type 1 Special Use Permit on 5 acres out of the O Russell Survey-2, Abstract 485, addressed at 2841 Goodwin Lane, to allow duplexes in the "C-1A" Neighborhood Commercial Zoning District; **now, therefore;**

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

SECTION 1

THAT pursuant to Section 1.2-3, Chapter 144 of the New Braunfels Code of Ordinances, the Zoning Map of the City of New Braunfels is revised by adding the following tract of land as a "Special Use Permit" for the uses and conditions herein described:

Being 5 acres out of the O Russell Survey-2, Abstract 485, addressed at 2841 Goodwin Lane, as depicted in Exhibit "A" attached, to allow duplexes in the "C-1A" Neighborhood Commercial Zoning District.

SECTION 2

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

1. The development may consist of a maximum 23 lots.
2. At least one of the lots must be conveyed at no cost to a local non-profit housing developer for the construction of a duplex similar in design to all other units within the development.
3. Development of the site is to be in compliance with the following development standards:
 - a. *Height.* 35 feet maximum.
 - b. *Front building setback.* 15 feet minimum.
 - c. *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
 - d. *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.
 - e. *Parking.* Two off-street parking spaces shall be provided for each two-family dwelling unit. See [section 144-5.1](#) for other permitted uses' parking.

SECTION 3

THAT all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4

THAT if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5

THIS ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 25th day of July, 2022.

PASSED AND APPROVED: Second reading this 8th day of August, 2022.

CITY OF NEW BRAUNFELS

RUSTY BROCKMAN, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

EXHIBIT "A"

