

ORDINANCE NO. 2017-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO 1.186 ACRES OUT OF THE A-155, SUR-35 A P FUQUAY SURVEY, COMAL COUNTY, TEXAS TO ALLOW THE TEMPORARY PLACEMENT AND HABITATION OF A TRAVEL TRAILER FOR RESIDENT SECURITY AND OPERATION OF A CHRISTMAS TREE SALES LOT WITH UNIMPROVED PARKING IN THE "C-1" LOCAL BUSINESS DISTRICT, ADDRESSED AT 1293 FM 306; 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 the proposed uses and improvements; and

WHEREAS, the City Council desires to grant a Type 2 Special Use Permit to 1.186 acres out of the A-155, SUR-35 A P Fuquay Survey, Comal County, Texas, to allow the temporary placement and habitation of a travel trailer for resident security and operation of a Christmas tree sales lot with unimproved parking in the "C-1" Local Business District, addressed at 1293 Fm 306; **now therefore**,

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

SECTION 1

THAT Sections 3.6-2 and 3.6-3, Chapter 144 of the New Braunfels Code of Ordinances and particularly the Zoning Map of the City of New Braunfels, are revised by adding the following described tract of land as a Type 2 "Special Use Permit" for the uses and conditions herein described:

"Being 1.186 acres out of the A-155 , SUR-35 AP Fuq7yay Survey, Comal County, Texas, addressed at 1293 FM 306, as delineated in the attached Exhibit 'A', to allow the temporary placement and habitation of a travel trailer for resident security and operation of a Christmas tree sales lot with unimproved parking in the "C-1" Local Business District."

SECTION 2

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

1. Exhibit 'B' shall be the adopted Type 2 Special Use Permit site plan
2. The property will be used for the stated purpose between November 1 and December 31 each year, with no changes in the use of the property unless the Special Use Permit is amended.
3. The applicant will provide the Planning Division a copy of a current contract for wastewater disposal from a TCEQ licensed hauler covering November 1 through December 31 annually.
4. The sales lot will be accessed through the Pit Stop parking area. No additional direct access from FM 306 will be created.
5. The applicant will be responsible for maintaining a clean and safe customer parking area, and for preventing the tracking of mud, dust or base material onto adjacent property or public right-of-way.
6. Failure to comply with these conditions will result in re-evaluation of the Special Use Permit and possible revocation.

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

EFFECTIVE DATE AND PUBLICATION:

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.

SECTION 6

THIS ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED: First Reading this the 24th day of April, 2017.

PASSED AND APPROVED: Second Reading this the 8th day of May, 2017.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

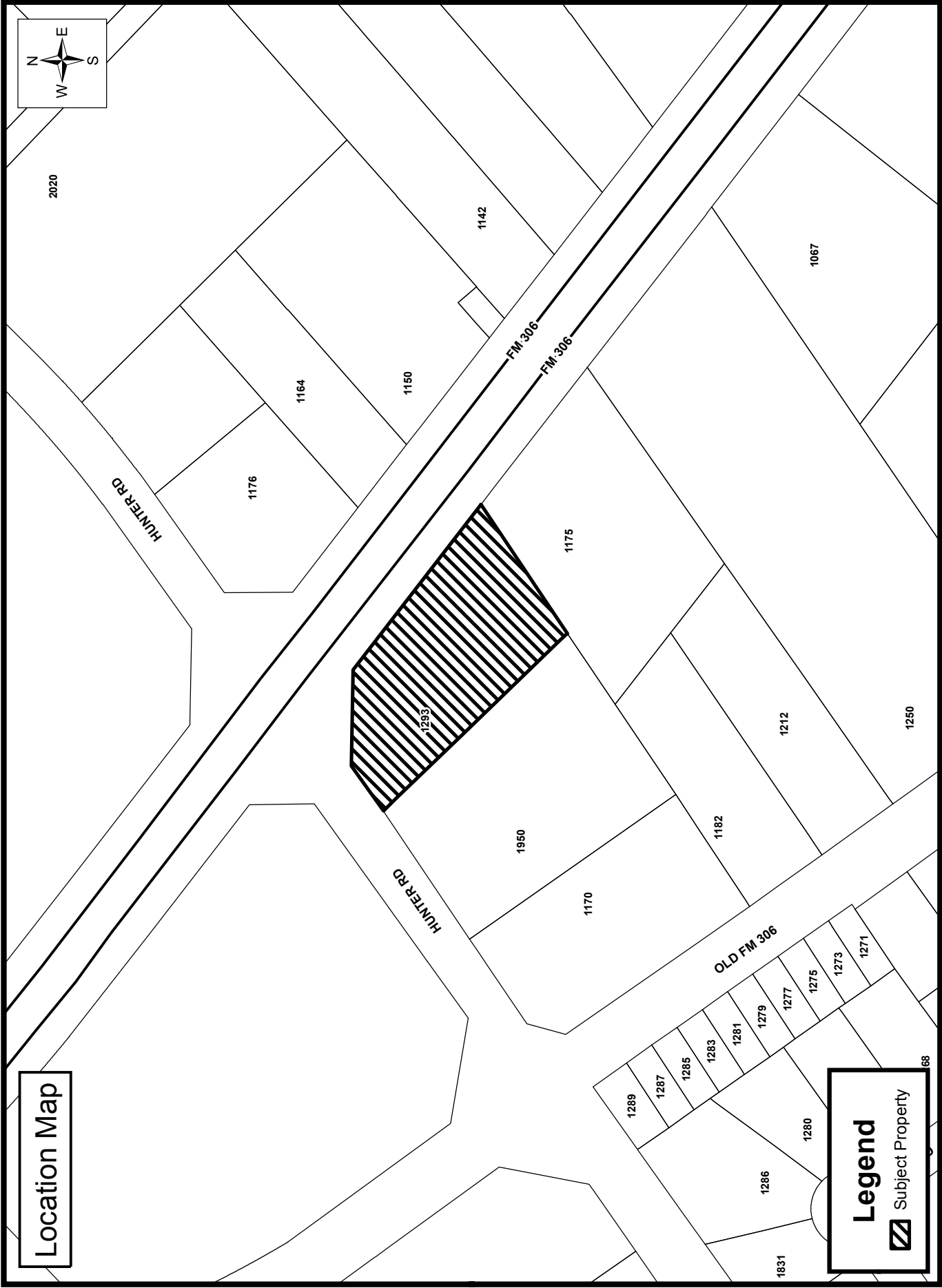
ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

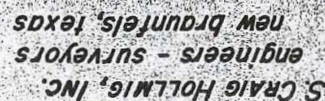
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Map Created 3/3/17

PZ-17-008
1293 FM 306
Type 2 Special Use Permit

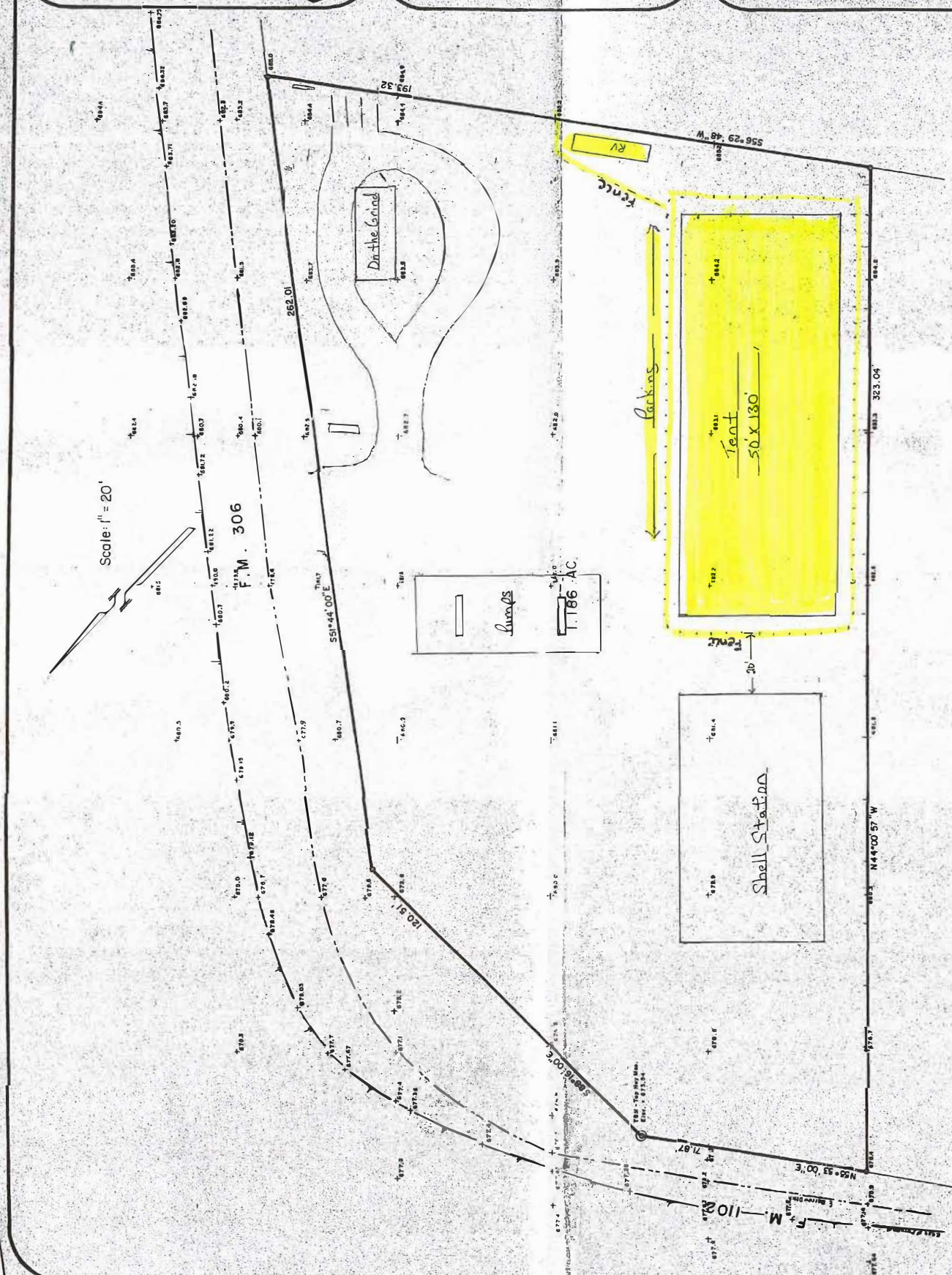




Job No. _____



1. HEREBY CERTIFY THIS SURVEY TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF AND WAS MADE
UNDER MY SUPERVISION ON 2/7/85



SITE PLAN

EXHIBIT 'B'