

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW UNIMPROVED PARKING AND THE TEMPORARY PLACEMENT AND HABITATION OF A TRAVEL TRAILER FOR RESIDENT SECURITY AND OPERATION OF THE HOLIDAY HILLS CHRISTMAS TREE LOT DURING THE SELLING SEASON, IN THE "C-3" COMMERCIAL DISTRICT ON LOT 2-R, MOELLER SUBDIVISION, ADDRESSED AT 2742 FM 725; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

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**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 allow unimproved parking and the temporary placement and habitation of a travel trailer for resident security and operation of the Holiday Hills Christmas tree lot on Lot 2-R, Moeller Subdivision, addressed at 2742 FM 725; **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 Lot 2-R, Moeller Subdivision, addressed at 2742 FM 725, as delineated in Exhibit A attached."

**SECTION 2**

**THAT** the Special Use Permit is subject to the following conditions:

1. The Type 2 Special Use Permit is subject to the Site Plan attached as Exhibit B.
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 a copy of a current contract to the Planning & Community Development Department for wastewater disposal from a TCEQ licensed hauler covering November 1 through December 31 annually.
4. The sales lot will be accessed through the access drive along the southern boundary of the subject property. No additional direct access from FM 725 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**

**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**

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**BARRON CASTEEL**, Mayor

**ATTEST:**

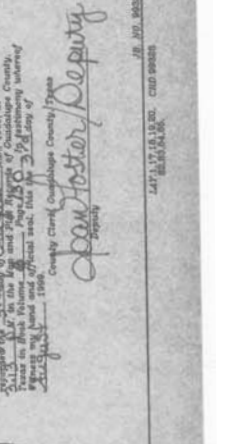
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**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney



Division of Planning  
*Edwin*  
City Engineer

Unit One and Lot 2, Block 1, Unit Two,  
and Lot 3, Block 2, Subdivision No. 1,  
Shoshone Valley Electric Cooperative, Inc., for easements.

This Poole and Replaid of Lot 1, Block  
 10, MEYER SUBDIVISION, established  
 by the City of Seattle, is reserved to the  
 City of Seattle.  
 Bland Mott  
 Planning  
 June 19, 1991

CHAS. WYATT LUTHER PATTERSON  
P. O. Box 310339  
New Brunswick, Texas 78131

1990-11-16  
*Michael T. Galt*

MOBILE TOOL  
107 COMMERCE DRIVE  
May 10, 2001

NOTARY PUBLIC, STATE OF TEXAS

SEAL OF THE  
CITY OF NEW  
YORK  
COUNTY OF NEW  
YORK  
OFFICE OF THE  
CLERK OF THE  
COURT



PERMIT SET

absolute design  
P A R T N E R S  
• 9848 Lorena Lane San Antonio Texas 78216 •

ARCHITECTURAL SITE/  
LANDSCAPE PLAN  
LEASE BUILDING REMODEL  
145 W. KLEIN LANE  
NEW BRAUNFELS, TX 78130

Job: 2014011  
date: 09/30/14  
drawn: KS  
sheet: OF  
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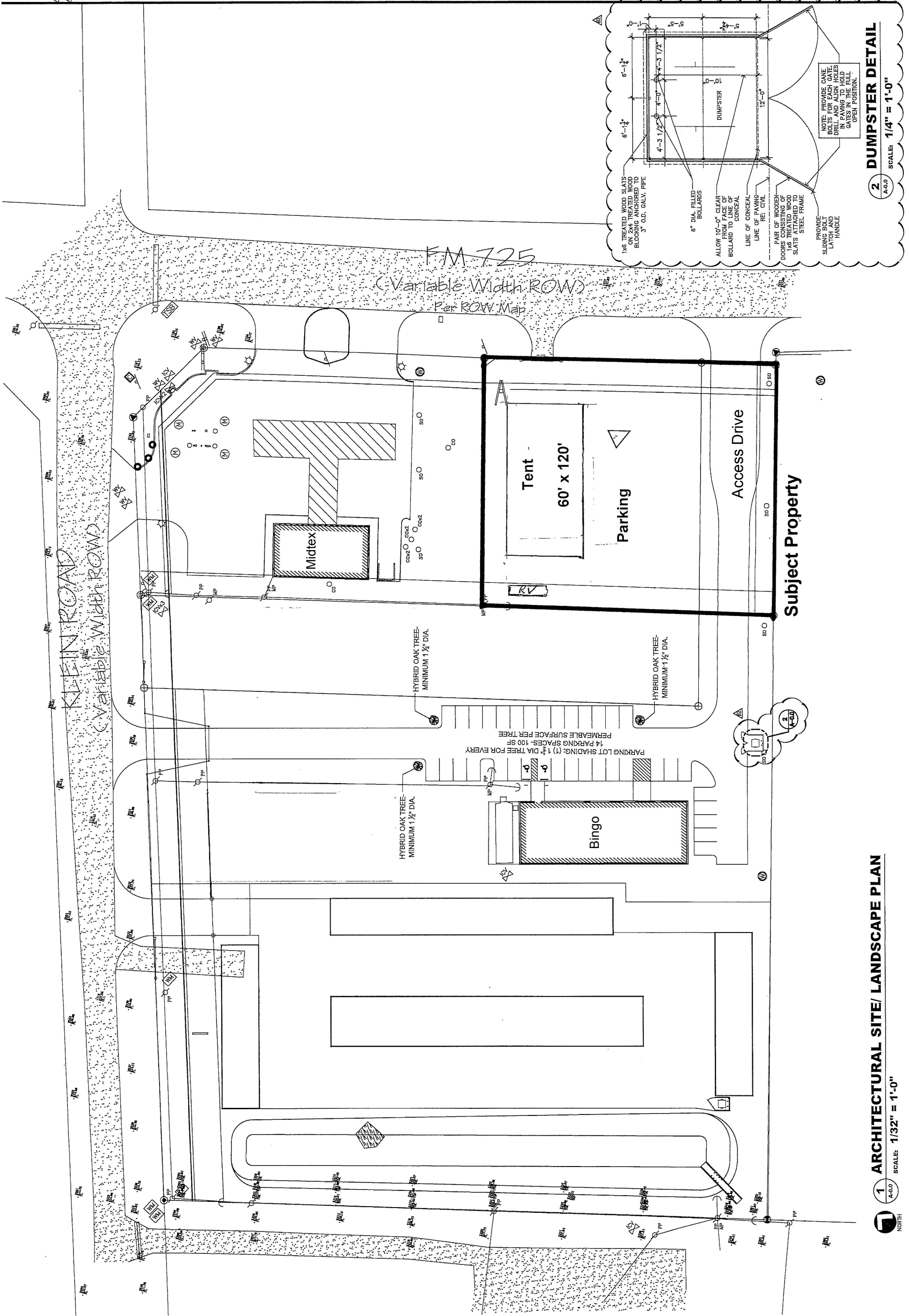


Exhibit B