

**ORDINANCE NO. 2017-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING APPROXIMATELY 2.26 ACRES, COMPRISED OF LOTS 8 AND 9, SEIDELS SUBDIVISION, ADDRESSED AT 1133 STATE HIGHWAY 46, FROM "R-2" SINGLE AND TWO-FAMILY DISTRICT TO "C-1A" NEIGHBORHOOD BUSINESS DISTRICT; AND GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A COMMERCIAL CONTRACTOR'S OFFICE WITH OUTDOOR STORAGE; 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 the "C-1A" Neighborhood Business District, the City Council has given due consideration to all components of said district; and

**WHEREAS**, the rezoning is in compliance with the Future Land Use Plan; 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 changing the zoning of approximately 2.26 acres comprised of Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46, from "R-2" Single and Two-Family District to "C-1A" Neighborhood Business District; and

**WHEREAS**, the City Council recognizes that granting a Special Use permit for a commercial contractor's office with outdoor storage 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**, the it is the intent of the City Council to ensure 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

**WHEREAS**, the City Council desires to grant a "Type 2 Special Use Permit" to allow a contractor's office with outdoor storage on Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46; **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 changing the following described tract of land from "R-2" Single and Two-Family District to "C-1A" Neighborhood Business District and designated said property with a "Type 2 Special Use Permit" to allow a contractor's office with outdoor storage:

"Approximately 2.26 acres comprised of Lots 8 and 9, Seidels Subdivision, addressed at 1133 State Highway 46, as delineated on Exhibit 'A' attached."

### **SECTION 2**

**THAT** the "Type 2 Special Use Permit" be subject to the following additional restrictions:

1. Exhibit 'B' shall be considered the adopted site plan. Any significant alterations to the site plan will require approval of an amendment to the "Type 2 Special Use Permit" by City Council.

2. The residential buffer wall will be 8 feet in height.

### **SECTION 3**

**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 4**

**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

#### **SECTION 5**

**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 6**

**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 11th day of December, 2017.

**PASSED AND APPROVED:** Second reading this 8th day of January, 2018.

**CITY OF NEW BRAUNFELS**

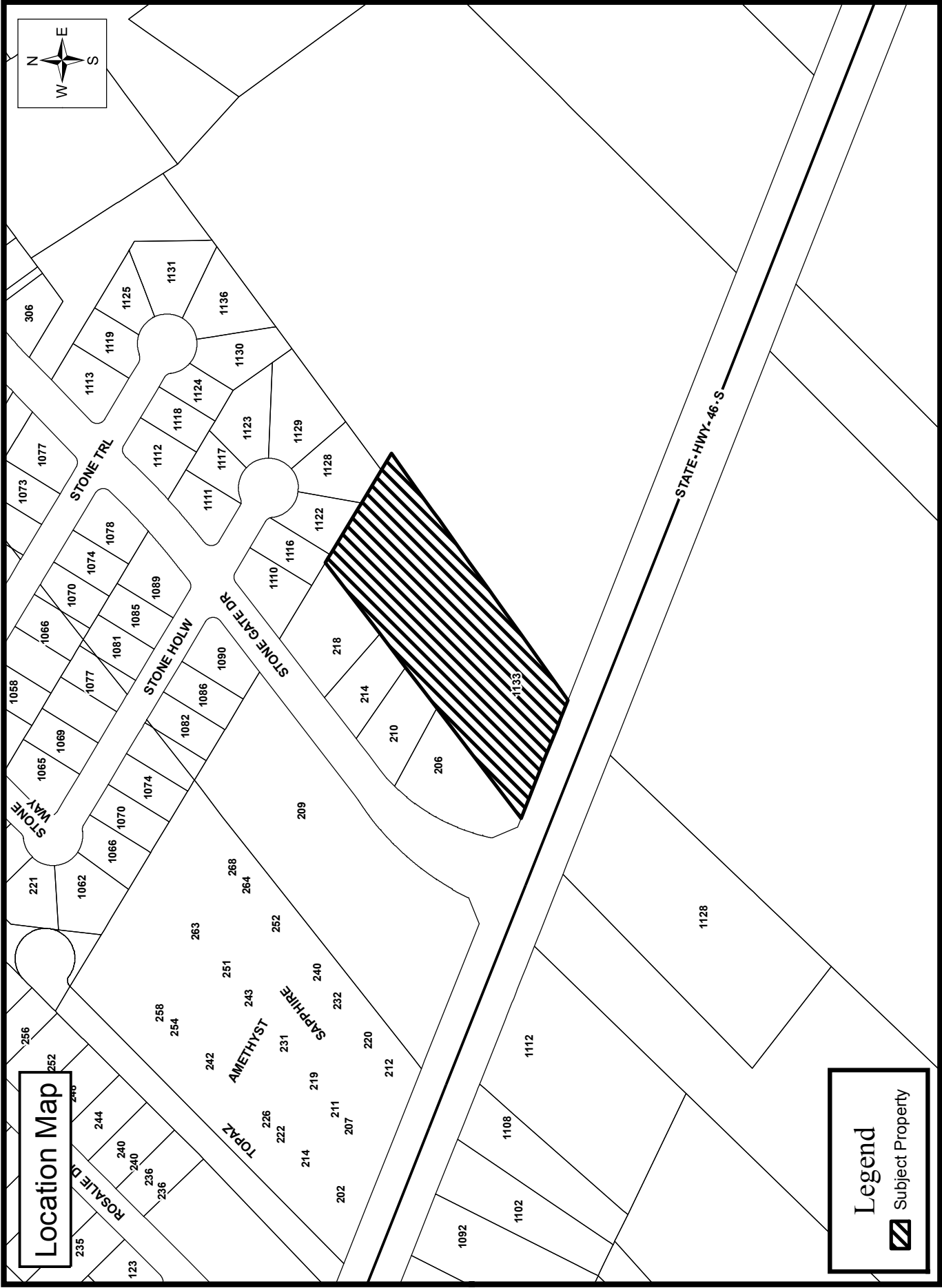
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**BARRON CASTEEL**, Mayor

**ATTEST:**

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**PATRICK D. ATEN**, City Secretary

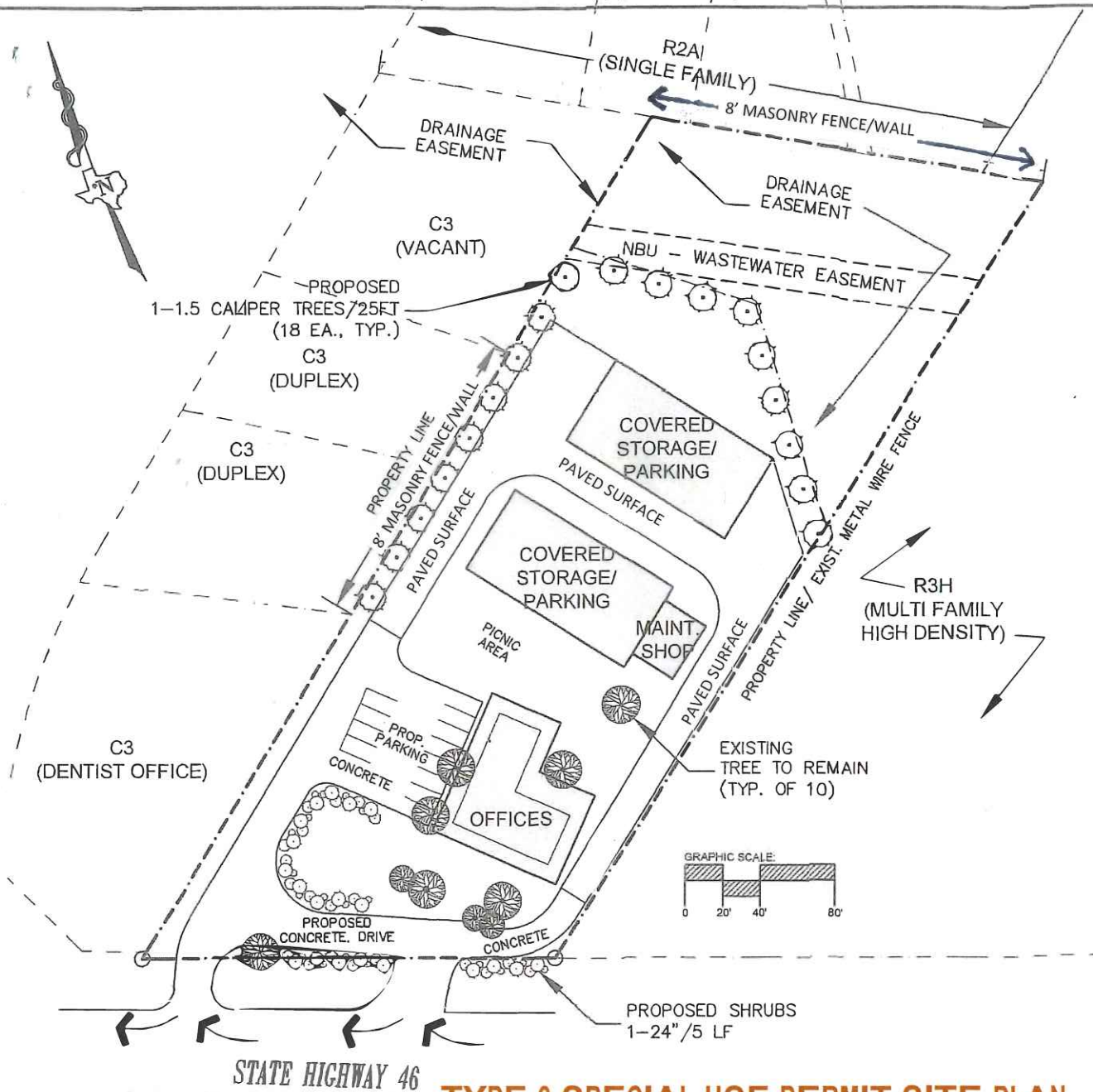
**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney



**SUP DEVIATIONS:**

- 1- GRAVEL COMPACTED BASE COURSE SURFACING FOR MAINTENANCE AREA ACCESS.
- 2- MASONRY RESIDENTIAL BUFFER FENCE (EXISTING WOOD FENCE(S) TO REMAIN).



STATE HIGHWAY 46

**TYPE 2 SPECIAL USE PERMIT SITE PLAN**

24/7 DESIGN



ARCHITECTURE & PLANNING

**1133 HIGHWAY 46**  
**NEW BRAUNFELS, TEXAS**

ARCHITECT:  
**MARK A. STUART**  
605 Ridgcliff Drive, New Braunfels, Texas 78132, USA  
Tel: (830) 557-4444

**SITE PLAN**  
**PROPOSED IMPROVEMENTS**

DATE:  
**08/22/2017**

DRAWN BY:  
**AS**

CHECKED BY:  
**MS**

CHECKED BY:

REV.:

REV. DATE:

SHEET:

SCALE:  
**1"=80'-0"**

NOTES: PLAT AMENDMENT REQUIRED TO COMBINE  
2 LOTS INTO 1.

**A1**