

**ORDINANCE NO. 2018-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS REZONING 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 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 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:

“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. Storage areas and drive aisles must be paved.
3. An 8-ft masonry buffer wall along all 3 sides of property adjacent the one- and two-family properties with the associated landscape residential buffer improvements:
  - a. At least one tree per 25 linear feet of property, or part thereof, a minimum one and one-half inches (1½”) in diameter, shall be planted along the common property line. Shade trees must be used, unless near utility lines where ornamental trees must be used, as required in subsection 144-5.3-1(b)(6)(vii). All new trees shall be provided with a permeable surface of 60 square feet per tree under the drip line. All planting areas shall be a minimum of five feet in width.
4. The covered storage shall be enclosed on three sides in accordance with approved Non-Residential and Multifamily Design Standards with the open side facing SH 46.

5. Repair the fence between Lot 2A, Block 10 and Lot 1, Block 10, Stone Gate Subdivision, Unit 1.
6. The drainage easements shall be properly maintained in perpetuity. Violations of proper maintenance shall subject the SUP to revocation procedures.

### **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 8th day of January, 2018.

**PASSED AND APPROVED:** Second reading this 22nd day of January, 2018.

**CITY OF NEW BRAUNFELS**

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**BARRON CASTEEL**, Mayor

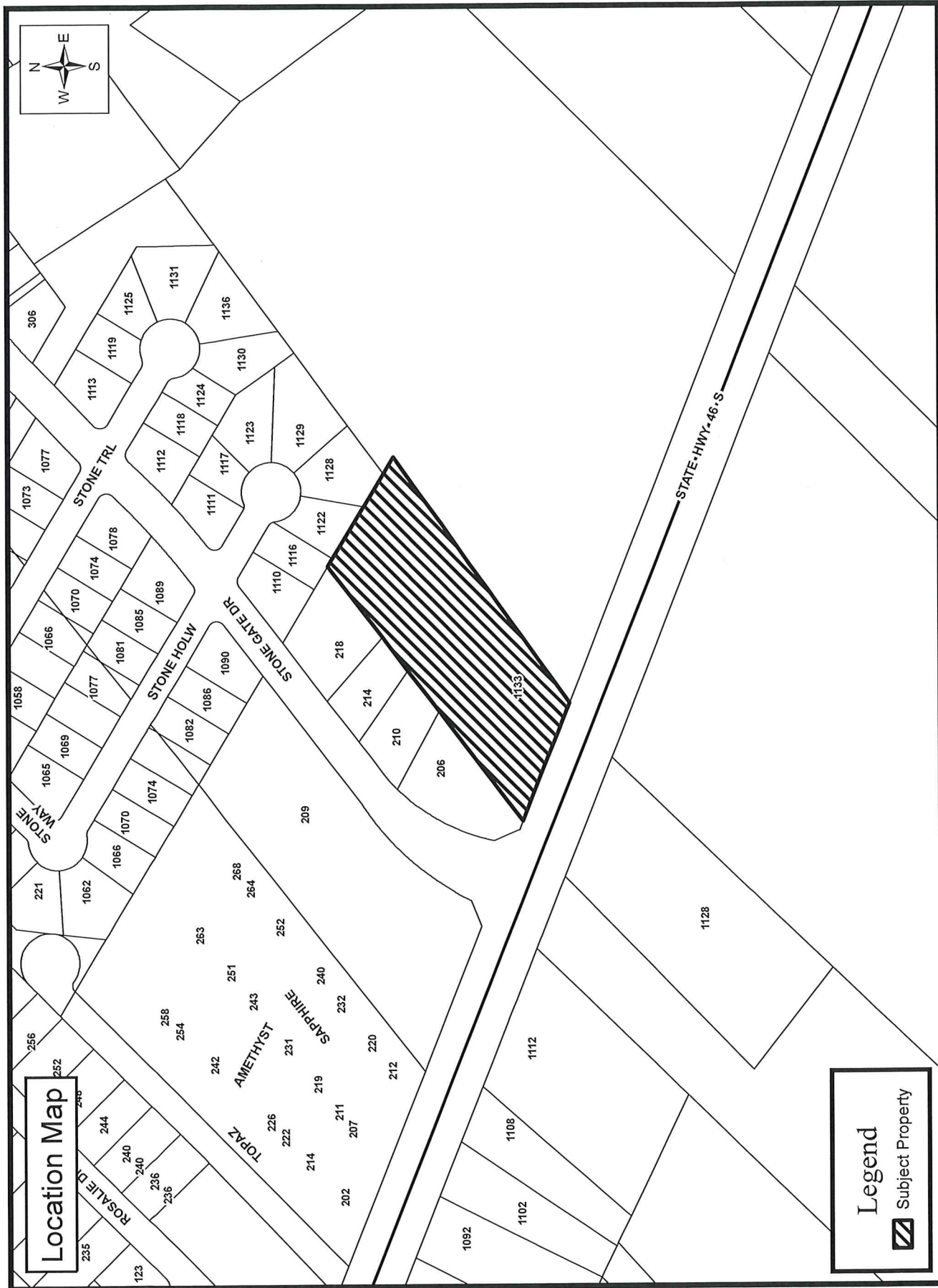
**ATTEST:**

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**PATRICK D. ATEN**, City Secretary

**APPROVED AS TO FORM:**

**VALERIA M. ACEVEDO**, City Attorney

\\chfs-1\Departments\Planning\ZoneChange-SUP-Replats\2017 cases\PZ-17-039 Alcorn C-1A SUP\PZ-17-039 Ordinance.docx

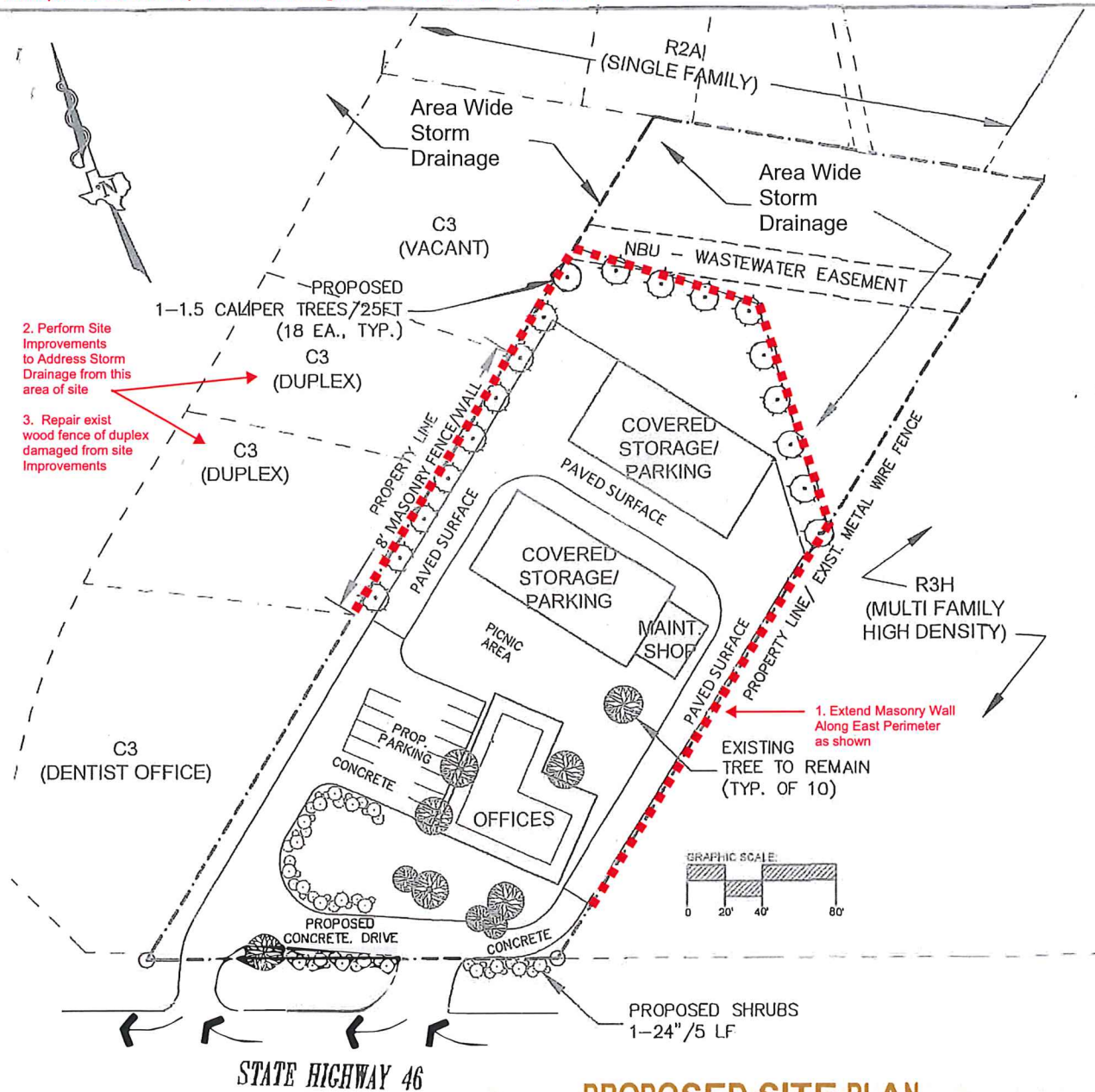


Map Created 9/14/17

PZ-17-039  
1133 S. Hwy 46  
R-2 to C-1A with an SUP

# SUP AGREED STIPULATIONS

1. Build Masonry Wall on all Three Sides of the site as shown.
2. Perform Drainage Report and Implement Storm Drainage Improvements per Civil Engineer.
3. Repair Section of Duplex Fence Damaged as a result of site improvements



## PROPOSED SITE PLAN

24/7 DESIGN



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**

EXHIBIT 'B'