

ORDINANCE NO. 2018-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS GRANTING A TYPE 1 SPECIAL USE PERMIT TO ALLOW A DANCE HALL WITH OUTDOOR MUSIC IN THE "C-1" LOCAL BUSINESS DISTRICT, ON LOT 1D-R, BLOCK 1, WALNUT HEIGHTS SUBDIVISION, UNIT 1, WHICH SURROUNDS BUT DOES NOT INCLUDE THE PROPERTY ADDRESSED AT 731 NORTH WALNUT AVENUE; 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 allowed use; and

WHEREAS, the City Council desires to grant a Type 1 Special Use Permit for Lot 1D-R, Block 1, Walnut Heights Subdivision, Unit 1, which surrounds but does not include the property addressed at 731 North Walnut Avenue, to allow a dance hall with outdoor music in the "C-1" Local Business 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 described tract of land and illustrated in Exhibit "A" as a "Special Use Permit" for the uses and conditions herein described:

"Being Lot 1D-R, Block 1, Walnut Heights Subdivision, Unit 1, which surrounds but does not include the property addressed at 731 North Walnut Avenue, Exhibit "A", to allow a dance hall with outdoor music in the "C-1" Local Business District."

SECTION 2

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

1. A residential buffer with a masonry wall and shade trees in compliance with Section 5.3-2(h) is required along the entire northern and southern property boundaries.
2. Outdoor music must comply with the City's Noise Ordinance.
3. All required landscaping must be irrigated with an automatic underground system.

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 23th day of July, 2018.

PASSED AND APPROVED: Second Reading this the 13th day of August, 2018.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

