

ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING, SECTION 3.8 SPECIAL DISTRICTS; AND REZONING APPROXIMATELY 16 ACRES FROM M-2, HEAVY INDUSTRIAL, AND R-2, SINGLE FAMILY AND TWO- FAMILY DISTRICT TO WURSTFEST SPECIAL DISTRICT (WSD), LOCATED ON THE NORTH SIDE OF LANDA STREET AND EXTENDING ALONG LANDA PARK DRIVE TO ELIZABETH AVENUE, AND CURRENTLY ADDRESSED AS 120 AND 176 LANDA STREET, 192, 164, 180, AND 178 LANDA PARK DRIVE, AND 124 ELIZABETH AVENUE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City Council of the City of New Braunfels, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals and general welfare of the residents of the City; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting the creation and application of the special district including Action 1.3: Encourage balanced and fiscally responsible land use patterns. Action 1.11: Update policies and codes to achieve development patterns that implement the goals of Envision New Braunfels. Action 1.6: Incentivize infill development and redevelopment to take advantage of existing infrastructure. Action 1.14: Ensure regulations do not unintentionally inhibit the provision of a variety of flexible and innovative lodging options and attractions. Action 2.2: Prioritize areas that are best suited for conservation and preservation. Action 3.35: Support local non-profits whose mission includes the goals of Envision New Braunfels.

WHEREAS, the City Council finds it necessary to create a special district to preserve the established uses of the subject property, which are of cultural importance and significance to this community; and

WHEREAS, the Planning Commission held a public hearing on March 3, 2020 and

recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on March 23, 2020; and

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 “WSD” Wurstfest Special District, the City Council has given due consideration to all components of said district; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the requested rezoning is in accordance with Envision New Braunfels, the City’s Comprehensive Plan; and

WHEREAS, the City Council hereby finds and determines that adopting the “WSD” Wurstfest Special District and rezoning the subject property is in the best interest of the citizens of New Braunfels.

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

SECTION 1

THAT Chapter 144, Zoning, Section 3.8 Special Districts, is hereby amended with additions as underlined as follows:

Chapter 144, Zoning, Section 3.8 Special districts.

3.8-8. Special District – Wurstfest.

Purpose. The Wurstfest Special District is intended to serve tourists and the vacationing public, and support entertainment facilities including dance halls, performance and amusement venues, specialty shops and food sales. The following standards shall apply in the Wurstfest Special District:

(a) Authorized uses.

(1) Uses permitted by right:

Amphitheater
Amusement services or venues (indoors) (see Sec. 5.13)
Amusement services or venues (outdoors)
Assembly/exhibition hall or areas
Athletic fields

Bar/Tavern
Civic/conference center and facilities
Commercial amusement concessions and facilities
Dance hall/dancing facility
Fair ground
Fraternal organization/civic club (private club)
Governmental building or use
Handicraft shop
Live music (indoors and outdoors)
Museum
Offices, business or professional
Park and/or playground (private or public)
Parking lots (for passenger car only) (not as incidental to the main use)
Parking structure / public garage
Public recreation/services building for public park/playground areas
Public tuber entrance or take out facilities
Recreation buildings (public)
Refreshment/beverage stand
Restaurant
Restaurant/prepared food sales
Retail store and shopping center
Specialty shops in support of project guests and tourists
Theater (non-motion picture; live drama)
Waterfront amusement facilities

Any comparable business or use not included in or excluded from any other district described herein.

(2) Conflict. In the event of conflict between the uses listed in the Land Use Matrix and those listed in Subsection (1), the uses listed in this subsection shall be deemed those authorized in the district.

(b) Maximum height, minimum area and setback requirements:

(1) Non-residential uses.

(i) Height. 75 feet.

(ii) Public street building setback. No setback except no more than 50% of the linear length of the property line adjacent the street may accommodate structures with no setback. All remaining structures must be setback a minimum of 15 feet.

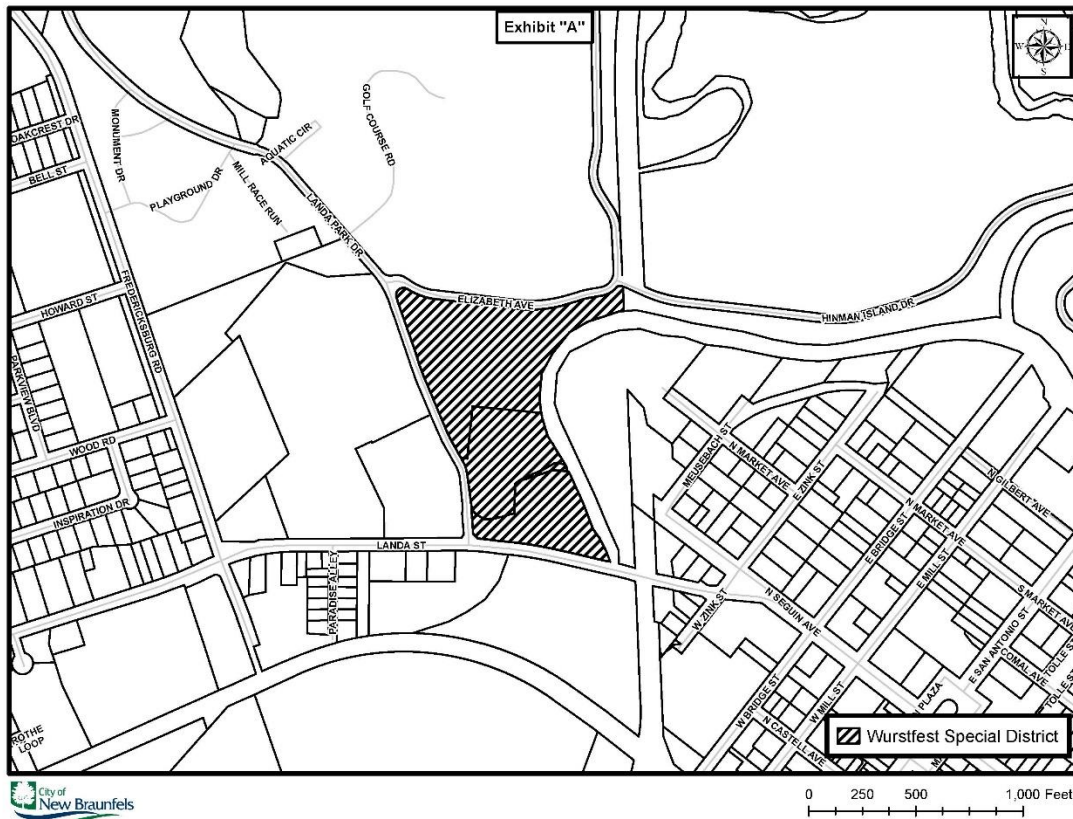
(iii) Side building setback. No side building setback is required except that where a side line of a lot in this district abuts upon the side line of a lot in any residential zoning district, a side building setback of not less than six feet shall be provided.

(iv) River building setback. A building setback of 20 feet is required along a property line adjacent to the Comal River.

(v) Parking. Any required parking is permitted to be located off-site.

(2) Signage. Signage must comply with the standards as set forth in Chapter 106, Signs, for the C-4 zoning district.

(c) Area included in Wurstfest Special District.



SECTION 2

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 rezoning the following described tract of land from “M-2” Heavy Industrial District, and “R-2” Single Family and Two- Family District to “WSD” Wurstfest Special District:

16 acres located on the north side of Landa Street and extending along Landa Park Drive to Elizabeth Avenue, and currently addressed as 120 and 176 Landa Street, 192, 164, 180, and 178 Landa Park Drive, and 124 Elizabeth Avenue, as delineated on Exhibit A, attached.

SECTION 3

THAT, it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid

by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4

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 5

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

SECTION 6

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 7

THAT this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this the 23rd day of March, 2020.

PASSED AND APPROVED: Second reading this the 6th day of April, 2020.

CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

ATTEST:

PATRICK D. ATEN, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney