

**ORDINANCE NO. 2020-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS GRANTING A TYPE 2 SPECIAL USE PERMIT TO ALLOW A SEVEN-UNIT, TOWNHOUSE STYLE RESIDENTIAL DEVELOPMENT IN THE “ZH-A” ZERO LOT LINE HOME DISTRICT ON APPROXIMATELY 0.7 ACRE LOCATED AT THE SOUTHWESTERN TERMINUS OF THE 2300 BLOCK OF MICHIGAN STREET; 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 a townhouse style residential development; and

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

**WHEREAS**, the City Council desires to grant a Special Use Permit at the southwestern terminus of the 2300 block of Michigan Street, to allow a townhouse style residential development in the “ZH-A” Zero Lot Line Home 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

tract of land as a "Special Use Permit" for the uses and conditions herein described:

Approximately 0.7 acres located at the southwestern terminus of the 2300 block of Michigan Street, as delineated in Exhibit "A".

## **SECTION 2**

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

1. Correct the Michigan Street labeling on the site plan.
2. Correct the directional orientation of the north arrow on the site plan.
3. To address adjacent privacy concerns, no second story access/doorways are permitted along the northeast facing elevation of proposed Lots 2-7. In addition, second story windows along the northeast facing elevation of proposed Lots 2-7 shall be non-transparent. Transparent clerestory windows are allowed.
4. Four-foot-wide sidewalks shall be constructed along both sides of Michigan Street and shall be within the right of way or contained within a pedestrian access easement to allow public access along the roadway.
5. The identified chain link fence facing Michigan Avenue shall be a maximum of four and one-half feet in height and remain a minimum of 50% open.
6. Development is to be permitted in substantial compliance with the approved site plan, Exhibit 'B'. All remaining site development standards as required by Chapter 144, City of New Braunfels Code of Ordinances remain in effect.
7. An off-site parking agreement shall be approved and maintained to guarantee resident access to the proposed shared parking area ensuring they meet the minimum number of parking spaces required for each dwelling unit.
8. A homeowner's association shall be established to own and maintain Lots 8 & 9.
9. An updated master plan reflecting the approved site plan must be submitted with the final plat application.

## **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 in accordance with

the provisions of the Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First reading this 25th day of January, 2021.

**PASSED AND APPROVED:** Second reading this 8th day of February, 2021.

**CITY OF NEW BRAUNFELS**

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**RUSTY BROCKMAN**, Mayor

**ATTEST:**

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**CAITLIN KROBOT**, City Secretary

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO**, City Attorney

EXHIBIT "A"



