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ORDINANCE NO. 2019-004

**AN ORDINANCE OF THE CITY OF NEW BERLIN, TEXAS ADOPTING
A COMPREHENSIVE PLAN (RESCINDING ORDINANCE NO. 02-001)**

WHEREAS, the City Council requested that the City’s Planning and Zoning Commission develop a Comprehensive Plan for the City of New Berlin; and

WHEREAS, Texas Local Government Code Chapter 213, authorizes the City to develop a Comprehensive Plan in order to manage growth and provide a road map for the future growth areas of the City; and

WHEREAS, the development of a Comprehensive Plan ensures that development in and around the City will progress in an orderly manner; and

WHEREAS, this Plan accounts for land use considerations, transportation considerations and the need for increased public facilities; and

WHEREAS, a Comprehensive Plan is used as a guide to establish development regulations, particularly subdivision regulations and zoning regulations; and

WHEREAS, the Planning and Zoning Commission has proposed for Council’s adoption this Comprehensive Plan; and

WHEREAS, a public hearing was held in order to receive input from the public and give them an opportunity to get testimony and present written evidence regarding the proposed Comprehensive Plan on August 01, 2019.

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

The City Council of the City of New Berlin adopts this Comprehensive Plan for the City of New Berlin in substantially the same form as attached hereto and incorporated by reference.

PASSED, APPROVED, AND ADOPTED this 16th day of September, 2019.

APPROVED:

Walter C. Williams, Mayor

ATTEST:

Marjorie Snell, City Secretary



CITY OF NEW BERLIN COMPREHENSIVE PLAN

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CHAPTER I

CITY OVERVIEW

Origin of the Community

The community of New Berlin is located in Southwestern Guadalupe County of Texas near its junction with Bexar and Wilson Counties. The area was primarily settled by German immigrants during the middle 1800's with agriculture as the most important activity. For more than a century, the community was a gathering place for area farmers and ranchers. Several general merchandise stores, blacksmith shop, cotton gin, bowling alley, several dance halls, car dealership, meat market, post office and garage all made their appearance at some time during the years.

- The community became an incorporated city on May 24, 1975. Expenses associated with the incorporation process were paid with funds contributed by the New Berlin Community Club and donations from individual citizens. The first City officials were elected on August 9, 1975. Reverend David Murdock was elected as mayor and Leroy Albrecht, Robert Zuehl, Jr., Freddie Friederick, Melvin Strey and Arthur Borgfeld were elected as aldermen. Jim Lewis was elected as the first City Marshal.

Since its founding, the City has functioned without any property taxes. Instead, operational funds have been obtained through annual voluntary donations from the citizens along with franchise taxes received from electric and telephone providers. Some additional funds came from grants and fund raising activities organized by the community.

The General Nature of the Community

The City of New Berlin is a small South Central Texas city in Guadalupe County. The city itself consists of approximately 10.2 square miles. Much of the land is used in farming and ranching.

The gentle hills and creeks are covered with oak, elm, pecan, and mesquite trees. While various amounts of tree cover was removed to make way for farms and residences, the terrain as well as the creek beds still have a multitude of trees and large shrubs. Our canopy of Heritage Oaks adds not only economic value but also aesthetic value to the rural setting.

There are three creeks found within the City: Elm Creek, Blue Creek and Santa Clara. They each run into the Cibolo Creek, which runs through the City's extra territorial jurisdiction.

Because the City is in close proximity to San Antonio and Seguin, New Berlin has become an increasingly popular location for new residences. Permits are required for any new construction or remodeling in the City of New Berlin. New structures within the flood plain are controlled by the FEMA Flood Plan.

CHAPTER II

GOALS AND VISION

General Background

The 2019 Comprehensive Plan is submitted as an informational resource to the City of New Berlin. The Plan provides the City with vision comprised from a diverse cross-section of engaged citizen volunteers and elected officials. The Plan identifies area of public concern and documents the expectations of the community in responding to these concerns. This Plan is a living document and is scheduled to be reviewed every four (4) years.

The City of New Berlin has for many years set its goals to achieve an attractive environment through sound planning and citizen participation in order to provide, improve or preserve those elements that make New Berlin a desirable place to live and work. This chapter ensures that we preserve and protect our pleasant quality of life, rural character, historic nature and culture and our distinctive heritage oak canopy.

I. Continued Growth and Expansion

The new Berlin Community has historically been a rural, family community. We realize that growth and expansion of our community is inevitable. We want to manage that growth to support the needs of our residents, both present and future. New Berlin, as a Type B General Law Municipality, cannot force annexation on anyone or any area of land. All changes to the city boundary will be accomplished through voluntary annexation in accordance with state statutes.

City goals and Objectives

I. City Facilities and Services

Develop such community facilities and services, at most reasonable cost, as are necessary and desirable for local government and for the health, welfare, intellectual development, skill improvement and the safety and protection of the public.

II. Coordination with Neighboring Cities and County Government

Maintain close coordination and cooperation with neighboring cities, County government and other political subdivisions in all matters of common interest, with emphasis on water supply, waste management, pollution, transportation, police and fire protection and emergency medical services. Conduct this coordination without need for any changes in political jurisdiction.

III. Managing Development

Provide a comprehensive dynamic plan as a guide to City officials, City commissions and City staff for identifying and understanding the problems associated with its growth.

IV. Public Utilities

The City should continue combined efforts with the public utility providers to ensure adequate water, electric power, gas and telephone service for all segments of the City. The City should monitor all contracts and franchise controls.

V. Transportation and Circulation

The objectives include a thorough study of the street and drainage system of the City to determine needs for major thoroughfares, arterial and collector streets, bypass plans and updating of maps to be included in the comprehensive plan.

VI. Protection of Historical Sites

New Berlin supports a vision of preserving the unique and desirable characteristics of our rural community and supports Texas Historical Commission, which states “as a matter of public policy, the protection, enhancement and perpetuation of landmarks of historic and cultural importance and significance is necessary to promote economic, cultural, educational and general welfare of the public.”

The New Berlin Heritage Live Oak Trees are an irreplaceable resource and merit protection and preservation. They contribute to our “country atmosphere and rural setting.” They beautify our City and are historic, having been here since before our City was founded and have probably been a major reason for settlement here. Their loss, whether through clear-cutting and other negative development procedures, or by the neglect from improper pruning, improper paving, or improper care, would be a major loss to our local environment

CHAPTER III

Land Use

Land Use General Description

It became very apparent that the city would continue its rapid development and that the use of the land needed to be carefully controlled to provide for orderly growth and the most efficient use of the remaining undeveloped land in the city. At this time land use is widely devoted to agricultural purposes. To plan the future use of land in New Berlin the city council appointed a Planning and Zoning Committee. One of the recommendations of the committee is that a future land use map be drafted to use as guide to potential land uses that could likely develop with the city.

Residential

The present residential area comprises about one-half of the total city. Much of the residential area is devoted to single family, residential dwellings.

Commercial

Less than 5% of the city is presently developed for commercial use. This is mostly along FM 775.

Public Use

There are approximately 2 acres of land devoted to public use, which includes a park and City Hall.

Future Land Use

Once a future land use map has been generated, it will illustrate and project the guided growth of the city and its restrictions and will be the basis for adoption of zoning ordinances. It will assist with the implementation of a comprehensive plan that promotes the health, safety, morale, and the general welfare of the city. Restrictions and ordinances are designed to lessen the congestion in the roads to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land to avoid concentration of population to facilitate the adequate provisions of transportation, water, schools, parks and other public requirements. The future land use map will provide a tool for use in making development and zoning decisions.

Annexation and Future Growth

New Berlin, as a Type B General Law Municipality, cannot force annexation on anyone or any area of land. Consequently, any future change in city boundaries will be accomplished through voluntary annexation in accordance with state statutes. An annexation policy for the city needs to be developed and maintained. While annexation is certainly a method of boundary growth, care must be given as to how the expansion affects city costs and liabilities. There may still be managed growth within present city limits. The subdivision ordinance minimum lot size encourages growth while limiting density.

CHAPTER IV COMMUNITY FACILITIES ELEMENT

SECTION 1—PUBLIC SAFETY

I. General

The County provides and adequately manned, trained, managed and equipped Sheriff's Department that enforces the law in an impartial, professional, and dignified manner. This creates a positive impact in the entire community that is both stable and interested in the safety and well-being of its citizens.

The city provides office space for the sheriff's department which is used as needed. A volunteer city marshal position has been approved by Board of Aldermen and implementation is pending state approval.

SECTION 2—FIRE PROTECTION

I. General

New Berlin Volunteer Fire Department's primary objective is to protect lives and property.

II. Fire Protection (Suppression)

To adequately meet this objective, the New Berlin Volunteer Fire Department is constantly training personnel and upgrading equipment.

III. Personnel

The New Berlin Volunteer Fire Department is manned by all volunteers.

IV. Equipment

The New Berlin Volunteer Fire Department maintains a total of nine (9) fire fighting vehicles.

STATION 1

- 2125 Command Vehicle/personnel carrier/first response
- 2112 Rescue Pumper with jaws, rescue equipment
- 2130 Tanker—3000 gallon
- 2120 Brush Truck 350 gallons

Off Site

- 2122 Brush Truck 350 gallons

STATION 2

- 2123 Heavy Brush Truck 5 ton
- 2124 Brush—heavy
- 2129 Brush/rescue—heavy

New Berlin VFD also owns and operates a 35 kw trailer mounted generator and a trailer-mounted light tower.

The New Berlin VFD utilizes a VHF FM radio system. 911 dispatching is performed by the Guadalupe County Sheriff's office utilizing a two site voted p25 radio system shared by eight (8) other volunteer fire departments in Guadalupe County. All members have portable two-way radios and all apparatus are equipped with mobile radios. Each station houses base radios as well. All officers of the department are equipped with at least one portable and one mobile radio. The New Berlin VFD also operates an independent VHF repeater system on a tower located within one (1) mile of the center of New Berlin with full control of the site.

SECTION 3—EMERGENCY MEDICAL SERVICE

I. General

Emergency Medical Services (EMS) are an important service to the community. Increased interest in emergency medical service to the public, the medical community, and local government as well as higher productivity demands have prompted many volunteer fire departments to increase their participation in providing EMS services.

The fire department will continue to provide emergency medical first response in conjunction with local EMS agencies.

SECTION 4—SCHOOLS

I. General

The City of New Berlin is served by five school districts: Marion Independent School District, La Vernia Independent School District, Seguin Independent School District, East Central Independent School District, and Schertz-Universal City-Cibolo Independent School District. Each school district consists of elementary schools, middle schools and high schools with grades ranging from kindergarten through twelfth grade. The City will seek opportunity to be involved in their expansion needs.

SECTION 5—PARKS AND RECREATION

I. General

New Berlin currently maintains a small park located at the City Hall. There is a covered picnic area, playground equipment, walking track and basketball goal. As the growth of the City continues, additional park facilities and recreation requirements should be given high priority.

II. Subdivision Recreation Centers

Subdivision developers should provide neighborhood recreation areas and should provide playgrounds, plus dedicated green space. A neighborhood association must maintain and operate them.

CHAPTER V

MAJOR TRANSPORTATION ELEMENTS

Introduction

The goals and objectives outlined in Chapter II emphasize the use of streets as the primary instrument in the transportation of persons and goods throughout the City. Development plats must include streets. Such streets designated in the development plats must be constructed at developers cost. While some compromise may result in the precise route of a street in a plat, it is the city ordinance, which ensures the City can acquire a suitable system of arterial and collector streets as development creates the need.

Street Elements

In newly developed subdivisions, right-of-way shall be dedicated by the developer and pavement width constructed in accordance with City requirements. The classifications of the streets shall be as determined by approved by the Board of Aldermen.

CHAPTER VI

WATER SYSTEM

Present Source

Water is pumped and automatically chlorinated from two water utility sources: East Central Special Utility District and Green Valley Special Utility District.

Plan Objectives

- Cooperation with public utility providers to make water available within the City at reasonable pressures and volume to accommodate normal usage plus that required for fire flow in the event of emergency.
- Cooperation with public utility providers in the networking of mains that will support growth and anticipated future needs.
- Cooperation in meeting, as needed, the recommendations of the Texas State Department of Health Resources, the Texas State Board of Insurance, and the Federal Pure Water Act.

CHAPTER VII

SEWAGE SYSTEM

Present Facilities

There are no city sewage services at this time. All residences and businesses in the community are on septic tank systems and regulated by the County. All residences with the City have site waste water systems.

CHAPTER VIII

ADMINISTRATIVE ORGANIZATION AND FUNCTION

City Organization

The City of New Berlin is a Type B General Law City and must follow the Local Government Code, the United States Constitution, Federal Statutes, the Texas Constitution and State Statutes. The City has a Board of Aldermen form of government. The Mayor and Five Board members comprise the Board of Aldermen. They are elected to staggered two-year terms each November. The Board of Aldermen is a legislative body that determines policy by the enactment of ordinances, adoption of codes, and approval of resolutions. Policy decisions are generally limited to that which follows:

- Budget and general finance
- Tax rates and user fees
- City services and levels of provisions
- Franchises and contracts
- Major purchases

The implementation of policy and the day-to-day administration of all municipal affairs is the responsibility of the Board of Aldermen.

Administration

The Mayor is the Chief Administrative Officer of the City and is elected by the citizens. The Mayor is responsible for the administration of all municipal affairs. The Mayor insures compliance with the State Constitution, State Statutes and City Code of Ordinances. He is responsible for:

- Direction of all City Departments, divisions and personnel within them
- Preparation of all City meetings and elections, administration of all City elections, authentication and recordation by the City Clerk
- Enforcement of all laws, Local Government Code requirements and Ordinances
- Direction of budget and finance
- Assisting the Board in the development of policy

Finance

The Board of Aldermen and Mayor are responsible for:

- Development, implementation and direction of accounting systems
- Maintenance of cash flow and investment of public funds
- Direction of payroll, leave and employee retirement systems
- Direction of purchasing and risk management
- Establishment, implementation and direction of data processing
- Preparation of monthly, quarterly and annual financial reports
- Preparation of budgeting data and forecasts, preliminary budget and periodic reports

Planning and Zoning Commission

The Planning and Zoning Commission has the following duties

- To perform the duties defined by City Ordinance 2016-007 in conjunction with the duties imposed upon the Commission by state law
- To make recommendations to the Board of Aldermen upon request



This page has been added by the Guadalupe County Clerk's office to comply with the statutory requirement that the recording information shall be placed at the foot of the record.

→ City of New Berlin
275 FM 2538
New Berlin TX 78555

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TERESA KIEL, COUNTY CLERK



Teresa Kiel