

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 144 ZONING, SECTION 1.4, DEFINITIONS AND 5.3-4, ADDITIONAL RESIDENTIAL BUFFERING REQUIREMENTS; 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 updates that improve regulations, including Action Item 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan; and Action Item 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly.

WHEREAS, the City Council has directed that regulations dealing with the use and development of land be reviewed by the Planning Commission to make recommendations concerning improving those regulations; and

WHEREAS, the City Council heard a presentation on this topic at their regular meeting on August 21, 2023 at which time they directed city staff to bring forward for consideration amendments that would address citizen concerns; and

WHEREAS, the Planning Commission held public hearings on the proposed amendments on September 6, 2023, and November 7, 2023; and

WHEREAS, the City Council held public hearings on said amendments on October 9, 2023, and February 12, 2024; and

WHEREAS, the City Council hereby finds and determines that adopting these amendments will clarify the rules, update terms, reduce redundancy, improve

consistency, streamline processes and enforcement procedures, facilitate flexibility, address identified issues ahead of the Land Development Ordinance, and are 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 1.4, Definitions, are hereby amended with additions as underlined:

Sec. 144-1.4. Definitions.

For the purpose of this chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "intended for."

Abut/Abutting means lots, buildings, uses, or other features regulated by this chapter that share a common lot line (contiguous). Lots, buildings, uses, or other features regulated by this chapter that are separated by a street, right-of-way, alley, trail, drainage channel, body of water, or railroad track are not abutting.

Accessory dwelling means a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

Accessory structure or use means a subordinate structure or building having a use customarily incident to and located on the lot occupied by the main residential building; or a use customarily incident to the main residential use of the property. This term is not applicable for commercial property, as multiple buildings are allowed on commercial lots where each is considered a main structure and is subject to the restrictions of the zoning district.

Active/independent senior living facility means a facility that contains dwelling units, accessory uses, and support services specifically designed for occupancy by persons 55 years of age or older who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.

Adjacent means lots, buildings, uses, or other features regulated by this chapter that are near each other but are separated by an intervening human-made or geographic feature including but not limited to a street, right-of-way, alley, trail, drainage channel, body of water, or railroad track, unless otherwise stated herein.

SECTION 2

THAT Chapter 144, Zoning, Section 5.3-4. Additional residential buffering requirements, is hereby amended with additions as underlined and deletions as stricken:

Sec. 5.3-4. *Additional residential buffering requirements.*

- (a) Residential setback. Where a non-residential building or a multifamily development of more than three units abuts a one- or two-family use or zoning district, the setback from the one- or two-family property line shall be at least 20 feet plus one foot for each foot of building height over 20 feet.
- ~~(b) Where a non-residential building or a multifamily development is adjacent to residential uses or residential zoning outdoor audio or speakers are prohibited unless being used to provide ADA access at fuel pumps.~~
- (~~b~~) Where a property occupied by a non-residential ~~building~~ or ~~a~~ multifamily ~~development is adjacent to~~ use abuts property occupied by residential uses or property zoned residential ~~zoning~~ outside audio, speakers, or music (live or recorded) is ~~prohibited~~ not allowed. Please see additional noise standards set forth in Chapter 82 of the City's Code of Ordinances.
- (~~c~~) Where a non-residential building or a multifamily development is adjacent to residential uses or residential zoning an additional 30-foot setback buffer will be required as separation between the residential property and any fuel pumps or fuel tanks.

SECTION 3

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. This Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels, Texas.

PASSED AND APPROVED: First reading this 12th day of February, 2024.

PASSED AND APPROVED: Second reading this 26th day of February, 2024.

CITY OF NEW BRAUNFELS

NEIL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney
