

**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 3.4; SECTION 4.2; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.***

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**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 Items 1.3: Encourage balanced and fiscally responsible land use patterns; 2.1: Sustain community livability for all ages and economic backgrounds; 3.1: Plan for healthy jobs/housing balance; 3.13: Cultivate an environment where a healthy mix of different housing products at a range of sizes, affordability, densities, amenities, and price points can be provided across the community as well as within individual developments; 3.15: Incentivize home development that is affordable and close to schools, jobs and transportation; 3.16: Review and revise regulations that inadvertently inhibit creative housing options or workforce housing alternatives; 3.30: Encourage and incentivize workforce/affordable housing to attract new workforce entrants and young families; 3.31: Adopt policies and ordinances supportive of workforce housing, creating opportunities that make investment in workforce housing more feasible for private and nonprofit developers; Aging in Place concept under the Activate Neighborhoods Strategy.

**WHEREAS**, the City of New Braunfels Strategic Plan has multiple objectives in the Economic Mobility Strategic Priority supporting updates that improve regulations,

including Output 1: Increase the number of new affordable housing units produced each fiscal year.

**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 is engaged in a project to update the development-related ordinances known as the Land Development Ordinance (LDO), in accordance with the Comprehensive Plan, Envision New Braunfels; and

**WHEREAS**, the Planning Commission held a public hearing on August 7, 2024, and recommended approval of the proposed amendments; and

**WHEREAS**, the City Council held a public hearing on said amendments on August 26, 2024; and

**WHEREAS**, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and 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, Article V, Development Standards, Section 3.4, Zoning districts and regulations for property zoned subsequent to June 22, 1987, is hereby amended with additions as underlines and deletions as strikeouts as follows:

### **Sec. 144-3.4. Zoning districts and regulations for property zoned subsequent to June 22, 1987.**

#### *3.4-1. "APD" agricultural/pre-development district.*

*Purpose.* This district is designed for newly annexed areas, agricultural uses, and for areas where development is premature because of a lack of utilities, capacity, or service, or where the ultimate use has not been determined. The following regulations shall apply in all "APD" districts:

- (a) *Authorized uses.* Uses permitted by right shall be those set forth in the land use matrix in section 144-4.2. The allowed uses in the district, which are intended to be identical with those listed in the land use matrix, are as follows:

- (1) *Uses permitted by right.*

*Residential uses:*

- Accessory building/structure.
- Accessory dwelling (one accessory dwelling per lot).
- Community home (see definition).
- Family home adult care.
- Family home child care.
- Home occupation (see section 144-5.5).
- One-family, dwelling, detached.
- Single-family industrialized home (see section 144-5.8).

[Recreational Vehicle \(RV\) \(on lots that have a gross area of 5 acres or more\) \(1 RV per lot\).](#)

*Non-residential uses:*

- Barns and farm equipment storage (related to agricultural uses).
- Cemetery and/or mausoleum.
- Church/place of religious assembly.
- Contractor's temporary on-site construction office (only with permit from building official; see section 144-5.10).
- Country club (private).
- Farmers market (produce market—wholesale).
- Farms, general (crops) (see chapter 6) (section 144-5.9 is not applicable).
- Farms, general (livestock/ranch) (see chapter 6) (section 144-5.9 is not applicable).
- Flour mills, feed mills, and grain processing.
- Golf course, public or private.
- Governmental building or use with no outside storage.
- Grain elevator.
- Hay, grain, and/or feed sales (wholesale).
- Livestock sales/auction.
- Park and/or playground (public).
- Plant nursery (growing for commercial purposes but no retail sales on site).
- Recreation buildings (public).
- Rodeo grounds.
- School, K-12 (public or private).

Stables (as a business) (see chapter 6).

Stables (private, accessory use) (see chapter 6).

Water storage (surface, underground or overhead), water wells and pumping stations that are part of a public or municipal system.

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

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## **SECTION 2**

**THAT** Chapter 144, Zoning, Article V, Development Standards, Section 4.2, Land use matrix, is hereby amended with additions as underlines and deletions as strikeouts as follows:





### **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. 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 23<sup>rd</sup> day of September 2024.

**PASSED AND APPROVED:** Second reading this 14<sup>th</sup> day of October 2024.

**CITY OF NEW BRAUNFELS**

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**NEIL LINNARTZ, Mayor**

**ATTEST:**

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**GAYLE WILKINSON, City Secretary**

**APPROVED AS TO FORM:**

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**VALERIA M. ACEVEDO, City Attorney**