

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 5.1; 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; Action 2.5: Encourage the diversification of commercial activity Downtown to build on and sustain existing historic resources and maximize structure utilization for economic expansion; Action 2.26: Achieve and update Downtown Implementation Plan goals for quality places downtown and along South Castell Avenue; Action Item 3.6: Proactively provide a regulatory environment that remains business and resident friendly.

WHEREAS, the Downtown Implementation Plan has action items supporting updates that improve regulations, including Action Item P4.4: Reduce or eliminate parking requirements in the Downtown for new development.

WHEREAS, the City of New Braunfels Strategic Plan has multiple objectives in the Economic Mobility Strategic Priority supporting updates that improve regulations, including Objective 1: Incentivize mixed-use developments and redevelopments in targeted locations to create a built environment with integrated housing, commercial centers, and opportunities for improved connectivity; Objective 2: Support Confluence, the New Braunfels Chamber of Commerce Economic Development Strategic Plan, by helping to ensure a community that supports the targeted industries and increases the

diversity of job opportunities in the community; and Objective 3: In partnership with the New Braunfels Economic Development Corporation (NBEDC) and New Braunfels Utilities, develop a cohesive framework for economic development incentives that encourage a built environment that results in enhanced walkability, mixed housing types, and the co-location of commercial and residential uses.

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 City Council heard a briefing at their special meeting on March 18, 2024, and directed staff to proceed with amendments ahead of the LDO project; and

WHEREAS, the Planning Commission held a public hearing on April 2, 2024, and recommended approval of the proposed amendments; and

WHEREAS, the City Council held a public hearing on said amendments on April 22, 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 5.1, Parking, loading, stacking and Vehicular Circulation, is hereby amended with additions as underlines and deletions as strikeouts as follows:

Sec. 144-5.1. Parking, loading, stacking and vehicular circulation.

5.1-1. *General provisions.*

(b) *Exception to application for existing uses and changes in uses.* Buildings existing in

the area defined by the boundary shown on Figure 3 are exempt from having the number of off-street parking spaces required by this section when:

- (1) The use of the building is being changed, but the gross floor area of the building is not being enlarged;
- (2) The building is being reconstructed or renovated, but ~~not enlarged~~ the gross floor area of the building is not being enlarged; or
- (3) The building is being brought back into use after being vacant.
- (4) Where a building ~~an existing building~~ is being enlarged or reconstructed and the building's gross floor area is being enlarged by more than ten percent, the parking shall be required in proportion to the building's ~~for the~~ expanded gross floor area only.
- (5) Uses not eligible to be exempt include outfitters, special events, or event venues.

SECTION 2

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 3

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 4

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

SECTION 5

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 6

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 22nd day of April 2024.

PASSED AND APPROVED: Second reading this 13th day of May 2024.

CITY OF NEW BRAUNFELS

NEIL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney